

**BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM**  
**B.E.S. & T. UNDERTAKING**

(Constituted under section 42(5) of Electricity Act 2003)

Ground Floor, Multistoried Annex Building,  
BEST's Colaba Depot  
Colaba, Mumbai - 400 001  
Telephone No. 22853561

**Representation No. G(N)-298-2016 dtd. 08/06/2016.**

Mrs. Safia Sultana Nabihusen Shaikh .....Complainant

V/S

B.E.S.&T. Undertaking .....Respondent

**Present**

**Chairman**

Quorum : Shri V. G. Indrale, Chairman

**Member**

1. Shri S.Y. Gaikwad, Member
2. Shri S.M. Mohite, Member, CPO

On behalf of the Complainant : 1. Shri I.A. Shaikh  
2. Shri Mohd. Husain N.H. Shaikh

On behalf of the Respondent : 1. Shri M.A. Qureshi, Supdt. CC(G/N)  
2. Smt. P.S. Kekane, AAM, CC(G/N)

Date of Hearing : 14/07/2016

Date of Order : 03/08/2016

**Judgment by Shri. Vinayak G. Indrale, Chairman**

Mrs. Safia Sultana Nabihusen Shaikh, GNMC 52-2/2/0, Plot no. 2, Sanaulah Compound Patra Shed, Dharavi Main Road, Mahim Rly. Stn.(E), Dharavi, Mumbai - 400 017 has come before the Forum for High bill pertaining to a/c no. 781-025-067\*2.

**Complainant has submitted in brief as under :**

The complainant has approached to IGR Cell on 17/03/2016 for High bill pertaining to a/c no. 781-025-067\*2. The complainant has approached to CGRF in schedule 'A' dtd. 13/05/2016 (received by CGRF on 02/06/2016) as the complainant was not satisfied by the remedy provided by the IGR Cell of Distribution Licensee on her grievance.

**Respondent, BEST Undertaking in its written statement  
in brief submitted as under :**

- 2.0 The complainant Smt Safia Sultana has come before the Forum regarding her dispute about high bill. Electric supply was given to the complainant's premises under reference through meter number L970688 for commercial purpose from 21/04/2008 under A/c number 787-025-067. Meter number L970688 has recorded steady progressive reading up to October 2011. In the month of October 2011 meter reading was recorded as 9967 units. In the month of November 2012 meter reading was recorded as 24674 units. The consumer was wrongly billed for 4493 units for the period November 2011 to October 2012 instead of 14707 (24674-9967) units. In the month November 2012, the complainant was billed for 14732 units and the complainant has disputed this bill.
- 3.0 Necessary debit / credit were carried out for giving slab benefit. This has resulted in net credit of Rs 1,71,189.38. This credit was reflected in billing month May 2016.
- 4.0 The meter number L970688 was replaced by meter number N110831 in the month October 2015 under lab test. During lab testing meter number L970688 found defective. As old meter has recorded steady consumption up to replacement of the meter, hence no amendment was preferred for the same.
- 5.0 During site inspection on 10/12/2015 meter number N110831 found display defective. Hence meter number N110831 was replaced by meter number N150760. The meter no. N110831 found working within permissible limits of accuracy with final meter reading as 10885 units during lab testing.
- 6.0 The consumer was billed on estimated average basis of 2064 units for the period October 2015 to January 2016. This bill was corrected for the period October 2015 (meter reading 9565) to January 2016 (meter reading 10885) recorded by the meter no. N110831.
- 7.0 Necessary dr/cr was carried out resulting in net credit of Rs. 75,151.74. Also DP charges of Rs. 17,913.17 and interest of Rs. 1,95,801.24 for the period November 2012 to June 2016 to be refunded. This has resulted in net credit of Rs. 2,88,866.15. The same will be reflected in ensuing bill after audit scrutiny.

## REASONS

- 8.0 We have heard the arguments of the representative of the complainant and Shri M.A. Qureshi, Supdt. CC(G/N) & Smt. P.S. Kekane, AAM, CC(G/N) for the Respondent BEST Undertaking. We have perused the plethora of documents by either parties to the proceedings.
- 9.0 We have cautiously gone through the grievances of the complainant in Annexure 'A' as well as written submission filed by the Respondent BEST Undertaking along with documents marked at Exhibit 'B' to 'G'.
- 10.0 The representative of the complainant has vehemently submitted that the action of the Respondent BEST Undertaking charging units of 14732 in the bill for the month of November 2012 is patently illegal. He has further submitted that previously the Respondent BEST Undertaking prepared credit note of Rs. 2,92,108.00 as reflected by endorsement on bill for the month of August 2015 (pg. 23/C), but they have not given the credit and thereby the consumer sustained loss. He has submitted that the Respondent BEST Undertaking be directed to place on record the details of said dt/cr note. The Respondent BEST Undertaking has placed on record the said dr/cr note and it appears that the calculation done in the said dr/cr note was not proper and therefore they have placed on record duly prepared and audited dr/cr note which is marked at Exhibit 'H' for the purpose of identification.
- 11.0 After going through the grievances of the complainant, it appears that his grievances is of two fold. First grievance is in respect of charging units of 14732 as accumulated bill, in the bill for the month of November 2012. The second grievance of the complainant is in respect of units recorded by new meter no. N110831 for the period from November 2015 to January 2016 in which period there was no display. Considering the dispute raised by the complainant for recording the units by meter no. L970688 for the period from November 2011 to November 2012, raised before IGR on 17/03/2016, the question poses before us is whether the said dispute can be entertained by the Forum. We are saying so because as per Clause 6.6 of MERC (CGRF & EO) Regulation, 2006 the forum shall not admit any grievance unless it is filed within two years from the date on which the cause of action has arisen. In the instant case, the Respondent BEST Undertaking has charged the units for 14732 in the bill for the month of November 2012, thus it was expected from the complainant to raise the dispute in that regard within two years from November 2012 which is to be held the date of cause of action for raising the dispute. That has not been done by the complainant. So the said grievance of the complainant cannot be entertained by the Forum.
- 12.0 As regards second grievance of the complainant regarding charging of units by meter no. N110831 it can be entertained by the Forum as same is within two years from the

date of cause of action. The Respondent BEST Undertaking has submitted that the meter no. N110831 was not showing the display for the period November 2015 to January 2016 and therefore they have charged the estimated average bill and after testing the said meter they have carved out the units consumed by the said meter and therefore they have passed credit note of Rs. 78,798.66. In view of this aspect it appears that due to giving the credit note of above said amount, the complainant herself is benefited and therefore in real sense she would have not raised the dispute in this regards. But it appears that when the complaint was filed before IGR, the Audit Dept. of BEST has not approved the said credit note and therefore she might have raised the dispute in that regard.

- 13.0 We have cautiously gone through the complaint and it appears that three phase meter was installed in the name of the complainant on 21/04/2008 for commercial purpose. In view of this aspect coupled with the fact that the meter no. L970688 was showing steady reading, in any case it could not be held that the meter was faulty or not showing the correct reading. The Respondent BEST Undertaking has got tested the said meter in lab on 30/12/2015 and it was showing 4% dial test error when there was full load. The test report is on pg. 59. In view of this 4% error, it was expected from the Respondent BEST Undertaking to give effect to the Regulation 15.4.1 and to decrease the bill by 4% as per the said Regulation. At the time of argument this fact was brought to the notice of the Respondent BEST Undertaking and the Respondent BEST Undertaking has placed on record the statement and carved out the credit bill of Rs. 3,516.67.
- 14.0 Thus, the Representative BEST Undertaking is required to give credit of said amount to the complainant. After going through the record it appears that on 05/05/2015 the complainant filed the complaint before IGR and requested to waive IOA and interest which has been charged on the arrears of the bill. It appears that the said request of the complainant has been considered by the Respondent BEST Undertaking and they have waived DP charges of Rs. 17,913.17 for the period from November 2012 to June 2016 and interest of Rs. 1,95,801.24 for the period December 2012 to June 2016. The said dr/cr note is at Exhibit 'H'. The Respondent BEST Undertaking has also given credit of Rs. 78,798.66 to the complainant for average estimated bill charged for the month of November 2015 to January 2016. Thus in all the complainant is getting the credit of Rs. 2,92,514 + 3,516 for 4% error in the test report. In view of this aspect it appears that the Respondent BEST Undertaking has considered the grievance of the complainant and waive DP and interest and properly carved out the credit note.
- 15.0 It reveals that the Respondent BEST Undertaking has not got approved the dt/cr note at Exhibit 'H' and therefore the complainant ought to have tempted to file the grievance on 17/03/2016 which resulted in to filing this complaint before the Forum. At the time of argument, it reveals that electricity connection was disconnected by the Respondent BEST Undertaking due to non-payment of electricity dues amounting to Rs. 4,39,400.00 as reflected in the bill for the month of July 2016. After adjustment of dr/cr amount + DPC and interest of Rs. 2,96,030.00 now the amount remained unpaid by the complainant comes to Rs. 1,43,370.00. As the Respondent

BEST Undertaking has disconnected the electricity, we think it just and proper not to charge interest and DPC for the month of July 2016 to August 2016 on arrears as already the Respondent BEST Undertaking has waived the said amount till June 2016.

- 16.0 Having regard to the above said reasons we find substance in the grievance of the complainant as the Respondent BEST Undertaking has not given the credit as well as not waived DPC and interest on the arrears. Thus the complaint deserves to be partly allowed as under.

**ORDER**

1. The complaint no. G(N)-298-2016 dtd. 08/06/2016 stands partly allowed.
2. The Respondent BEST Undertaking is directed to give credit of Rs. 2,96,030 to the complainant and issue revised bill for remaining amount of Rs. 1,43,370 to the complainant within 15 days from the date of receipt of the order.
3. The Respondent BEST Undertaking is directed to give electricity supply to the premises of the complainant after depositing 50% of Rs. 1,43,370.00 and remaining 50% will be recovered by giving two monthly equal installments.
4. The Respondent BEST Undertaking is directed to comply the order within one month from the date of receipt of the order and report the compliance within 15 days there from.
5. Copies of this order be given to both the parties.

(Shri S.Y. Gaikwad)  
Member

(Shri S.M. Mohite)  
Member

(Shri V.G. Indrale)  
Chairman