

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. N-GN-284-2016 dtd. 27/01/2016.

Mr. Santosh ThosarComplainant

V/S

B.E.S.&T. UndertakingRespondent

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 Santosh Thosar
2. Smt Manasi Thosar

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

Date of Hearing : 17/03/2016

Date of Order : 21/03/2016

Judgment by Shri. Vinayak G. Indrale, Chairman

Shri Santosh Jayant Thosar, Flat No 16, 3rd floor, Plot 141, Janjagruti Bldg., Senapati Bapat Marg, Matunga Railway Stn, Mahim, Mumbai - 400 016 has come before the Forum for charging accumulated 6657 units in the month of April 2014 recorded by meter no. D112720 pertaining to A/c no. 612-113-003 - High bill complaint thereof.

Complainant has submitted in brief as under :

The complainant has approached to IGR Cell on 26/11/2015 for charging accumulated 6657 units in the month of April 2014 recorded by meter no. D112720 pertaining to A/c no. 612-113-003 - High bill complaint thereof. The complainant has approached to CGRF in schedule 'A' dtd. NIL (received by CGRF on 22/01/2016) as the complainant was not satisfied by the remedy provided by the IGR Cell of Distribution Licensee regarding his grievance.

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

- 2.0 The complainant Shri Santosh J. Thosar has come before the Forum regarding his dispute about charging accumulated 6657 units recorded by meter no. D112720 in the billing month of April 2014 pertaining to A/c no. 612-113-003.
- 3.0 Initially electric supply is given to the premises under reference through meter no. 0612427 and B044738 in the name Smt. Asha Mahadev Date for residential purpose. This electric connection is transferred in the name of the complainant from billing month April 2013 against his application for change of name (ID 1290803). New a/c no. 612-113-003 is allotted to the complainant.
- 4.0 Meter no. 0612427 was replaced by meter no. D112720 on 14/12/2012. Meter no. D112720 is updated in the system for billing purpose on 04/02/2014 vide ID 2821688. The consumer was billed on estimated basis for the period 14/12/2012 to 04/02/2014. The meter reader has brought meter reading of meter no. D112720 as 7549 units on 30/04/2014. Thus the complainant was charged for accumulated 6657 units in the billing month April 2014.
- 5.0 The complainant has complained about high bill for the meter no. D112720 on 18/07/2014 in person. This meter was tested at site on 22/08/2014 with accu-check machine. During testing the meter found working within permissible limits of accuracy. As the complainant is not satisfied with the test results, meter no. D112720 was removed for official testing in laboratory on 10/11/2014. A new meter C081562 was installed in place of meter no. D112720. As per lab test report, **meter's terminal block found burnt internally, hence meter cannot be tested.**
- 6.0 In the month of April 2014, the consumer was charged for accumulated 6657 units. Hence, necessary de/cr was carried out for giving slab benefit (average 464 units per month) for the period December 2012 to April 2014, after adjusting estimated 999 units charged to the consumer. This has resulted net credit of Rs. 32,163.11 which has reflected in billing month August 2015. Along with this net credit of Rs. 2,620.10 towards delay payment charges and Rs. 5,299.52 towards interest on arrears charged for the period May 2014 to October 2014 was given. This credit has also reflected in the billing month August 2015.
- 7.0 In addition to this, credit of Rs. 1,309.27 towards delay payment charges and Rs. 19,856.96 towards interest charges for the period November 2014 to November 2015 is given and same is reflected in the billing month December 2015.
- 8.0 Meter no. B044738 was replaced by meter no. U087290 on 21/10/2014 on request by the complainant for lab testing. During lab testing on 03/07/2015. Meter no. B044738 found working within permissible limits of accuracy.

- 9.0 The complainant was having two meters, U081562 and U087290 on same tariff for the same premises, hence combination of meter was done by removing meter no. U081562 on 17/04/2015 and by replacing meter no. U087290 by meter no. C144515 on 04/06/2015. The consumer is liable to pay Rs. 1,02,190.00 as on January 2016.

REASONS

- 10.0 We have heard the complainant in person and for the Respondent BEST Undertaking Shri S.M. Deshmukh, Supdt. (G/N) and Smt P.P. Kekane, AAM CC(G/N). Perused documents placed on record by the complainant along with Annexure 'A' and written statement filed by the Respondent BEST Undertaking along with documents marked at Exhibit 'A' to 'H'.
- 11.0 The complainant has vehemently argued that the average reading as carved out by the Respondent BEST Undertaking as 464 for the period of December 2012 to April 2014 is not correct as in past his average bill for the consumption of unit did not exceed 200 units per month. The Respondent BEST Undertaking has submitted that on the complaint of the complainant, old meter no. 0612427 has been replaced by D112720 on 14/12/2012, but the said meter was not updated in the record and when updated on May 2014 they have taken the last reading of the said meter and drawn average monthly bill for 464 units. It is the contention of the Respondent BEST Undertaking that zero unit was charged almost for 11-12 months as consumed by the complainant by electric meter no. D112720 and therefore they have properly carved out the average consumption of electricity units of 464 per month by distributing 7549 units in 16 months. The Respondent BEST Undertaking has further submitted that they have given slab benefit by clubbing the units of both the meters and given the credit to the complainant. The Respondent BEST Undertaking has further submitted that they have also given credit by exempting DPC and interest as well as slab benefit and in all they have given credit of Rs. 61,197.16 to the complainant.
- 12.0 Having regard to the above said arguments, the only dispute between the parties is in respect of consumption of electricity by the complainant through meter no. D112720. The complainant in his complaint has specifically contended that when he used air-conditioner, his average consumption of each meter comes to near about 175-200 units and therefore the average units carved out as 464 per month as consumed by the meter no. D112720 is not correct. He has submitted that only three persons are residing in house and considering the equipments installed by him, the action of the Respondent BEST Undertaking charging average bill of 464 units per month is illegal. The Respondent BEST Undertaking has submitted that there is delay of updation of the meter but they have correctly recorded the final reading when meter was updated and carved out the correct average monthly units.
- 13.0 Here we wish to observe that the consumption of electricity is not depending upon the strength of persons residing in the house but it depends upon the equipments installed in the house and how it has been utilized. The records goes to show that the meter

no. D112720 has been accu-checked on the spot on 02/08/2014 and result was OK. The said report is on pg. no. 75 to 77. The report goes to show that the meter was tested in the presence of the complainant who was satisfied with the testing. This shows that the meter was OK and therefore we do not find any substance in the contention of the complainant that there was any fault in the meter no. D112720. The Respondent BEST Undertaking has submitted that however, on the complaint of the complainant regarding meter no. D112720 they replaced it on 10/11/2014 by new meter no. C081562 and meter no. D112720 was tested in the lab but as per lab test report terminal block of the meter was also found burnt, hence accuracy of the meter could not be tested. In view of this aspect the case does not come under purview of Regulation 15.4 of MERC Regulation.

- 14.0 We have cautiously gone through the documents placed on record by either party and it reveals that the total consumption of electricity units by both the meters is near about 400-500 units. The Respondent BEST Undertaking has placed on record meter reading folio since the month November 2010 to October 2014 and after perusal of the same it reveals that electricity consumed by both the meters varies for each month and it is in between 300-400 units per month.
- 15.0 The Respondent BEST Undertaking has submitted that they have replaced the meter no. D11272 and installed meter no. C081562 in the month of November 2014. After going through the units consumed by the said meter as shown in meter reading folio, it appears that the consumption of electricity by said meter for the month of November 2014 as 500, for December 2014 as 336, for January 2015 as 117, for February 2015 as 129 and March 2015 as 268. If we add the units recorded by the other meter then the average consumption of units comes in between 400-500 units. However, the past consumption of electricity and present consumption of electricity itself is not exact criteria to arrive at conclusion that the meter was recording high units. The Respondent BEST Undertaking has placed on record last three years' consumption at Exhibit 'B' and it depicts that for meter no. 061247 the consumer had paid the bill amounting to Rs. 3729.00 on 11/01/2011 and for meter no. B44738 he had paid electricity charges of Rs. 4044.000 on 27/12/2010. Considering the payment made on the above said two dates, in any case it could not be held that the average units carved out by the Respondent BEST Undertaking is excessive.
- 16.0 We have gone through the Exhibit 'E' and it appears that the Respondent BEST Undertaking has carved out dr/cr and given credit of Rs. 32,163.11 to the complainant. We have gone through the record more particularly at pg. 67/C which is in respect of installing meter no. D112720 by replacing meter no. 0612427. It depicts that initially meter reading of D112720 was three units. We have gone through the pg. 67/C and 71/C which has title as Transmission and Distribution Information Management System. After perusal of the same, it reveals that last reading of old meter no. 0612427 is shown as 2168 and initial reading of installed meter no. D112720 is also shown as 2168 units. We have asked the Respondent BEST Undertaking as how the initial reading of installed meter and last reading of replace meter is shown as the same and the Respondent BEST Undertaking has submitted that it was a punching

mistake done by the concerned employee. In order to ascertain the fact, whether the installed meter D112720 was previously used and there might be consumption of electricity units by the said meter when installed we have ascertain the said fact from meter ledger folio at pg. 135/C in which the reading of installed meter is shown as 'three'. It reveals that the Respondent BEST Undertaking has tested the another meter no. B044738 and installed new meter no. U087290 on 21/10/2014 and meter no. B044738 is found OK. Thus considering these documents, it appears that the Respondent BEST Undertaking has taken all care in respect of complaint made by the complainant and tried to resolve it but the complainant did not satisfy with the reasons given by the Respondent BEST Undertaking and approached the Forum.

- 17.0 Having regard to the above said reasons, we do not find any substance in the complaint of the complainant regarding charging average monthly bill for 464 units for the period of December 2012 to April 2014 as the Respondent BEST Undertaking issued 'zero' units bill during that period due to non-updation of meter. It appears that in all Respondent BEST Undertaking has given credit of Rs. 61,197.98 to the complainant by giving slab benefit as well as exempting DPC and interest. However, it reveals that due to delay in updation of meter, the complainant is made liable to pay accumulated bill for 16 months at one stroke. Considering this aspect, we think it just and proper to give 10 equal installments for payment of accumulated bill without charging DPC and interest. In result we pass the following order.

ORDER

1. The complaint no. N-GN-284-2016 dtd. 27/01/2016 stands dismissed. However, due to delay in updation of meter, the complainant is permitted to pay accumulated arrears as shown in the bill of January 2016 in 10 equal monthly installments without charging DPC and interest. The installment shall start from 15/04/2016 and ends on 15/01/2017.
2. 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