

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-G(N)-306-2016 dtd. 12/09/2016.

Smt. Sugrabi R. ShaikhComplainant

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 Illiyas M. Shaikh

On behalf of the Respondent : 1. Shri P.P Kulkarni, DECC(G/N)
2. Shri P.S.Kekane, AAM CC(G/N)

Date of Hearing : 18/10/2016

Date of Order : 21/10/2016

Judgment by Shri. Vinayak G. Indrale, Chairman

Smt. Sugrabi R. Shaikh, GNMC-188, Gr. flr. Room no. 10, Plot no. 4, Rubberwala Compound, Patra Shed, Dharavi Main Road, Mahim Railway Stn., Dharavi (E), Mumbai - 400 017 has come before the Forum for high bill complaint pertaining to A/c no. 781-057-133*6.

Complainant has submitted in brief as under :

The complainant has approached to IGR Cell on 12/07/2016 for High bill complaint pertaining to A/c no. 781-057-133*6. The complainant has approached to CGRF in schedule 'A' dtd. NIL (received by CGRF on 08/09/2016) as the complainant was not satisfied by the remedy provided by the IGR Cell of Distribution Licensee on his grievance.

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

- 2.0 The complainant Smt. Sugrabi R. Shaikh came before the Forum regarding her dispute of high bill in the month of October 2015, January 2016 to March 2016.
- 3.0 Electric supply is given to the premises under reference through meter no. N023276, a/c no. 781-057-133 from 12/04/2007. Meter no. N023276 had recorded progressive steady reading (as 88312 units) upto July 2015. The consumption of the consumer had increased from July 2015, hence consumer was billed for 1615 units in the billing month of August 2015, in the month of September 2015 due to system problem the consumer was issued electricity bill amounting to Rs. 12,940 on estimated basis. In the month of October 2015 combined bill for the period September 2015 / October 2015 was served for 8670 units consumed. In this bill slab benefit and adjusting the payment of estimated bill issued in September 2015.
- 4.0 As per our record key of the meter cabin was not made available to the meter reader for meter reading from November 2015 and hence consumer was billed on estimated reading upto February 2016. This was resulted in under billing against actual usage of electricity by the consumer.
- 5.0 In the month of February 2016 the meter reader had brought meter reading as 16599 units. Hence consumer was billed for amounting to Rs. 2,37,957.00 for 13138 units consumed in the billing month February 2016. The consumer has disputed the same.
- 6.0 Meter no. N023276 was tested on site and found working within permissible limits of accuracy. As complainant was not satisfied with the test results of meter testing on site. Meter no. N023276 was replaced by meter no. N155877 on 30/03/2016 with final meter reading recorded as 26010 units. Meter no. N023276 tested in laboratory on 30/05/2016 in presence of the consumer. During testing meter found working within permissible limits of accuracy.
- 7.0 Necessary dr/cr was carried out for the period November 2015 to May 2016 by considering final meter reading as 26010 units recorded by the meter N023276. This has resulted in net debit of Rs. 24,454.25 and same was reflected in billing month September 2016.
- 8.0 The consumer is not regular in bill payment. Also cheque issued by the consumer amounting to Rs. 1,82,701.00 in the month January 2016 was dishonored by the bank. The new meter N15587 has shown increase in monthly consumption compared to the consumption recorded by the old meter N023276 prior to July 2015. Hence the complainant is liable to pay the accumulated dues of Rs. 3,65,760.00 as on August 2016.

REASONS

- 9.0 We have heard the argument of son of the complainant and for the Respondent BEST Undertaking Shri P.P Kulkarni, DECC(G/N), Shri P.S.Kekane, AAM CC(G/N). Perused the documents filed by the complainant along with Schedule 'a' which consists of electricity bill, letter addressed to BEST Undertaking, Annexure 'C' form, reply to Annexure 'C'. Perused the written submission filed by the Respondent BEST Undertaking along with Exhibit marked as 'A' to 'F'. Exhibit 'D' is the report of site inspection of meter and Exhibit 'E' is the meter testing report conducted in presence of the complainant and manufacturer of the meter. In both the reports it was found that meter found correct in accuracy test and dial test and only RTC defective.
- 10.0 The complainant's son has vehemently submitted that consumption of electricity for the premises is in between 1000-1200 units per month. He has submitted that the Respondent BEST Undertaking has issued electricity bills for the month of October 2015 for units 8670, for the month of January 2016, 2684 units, for the month of February 2016, 13138 units and for the month of March 2016, 3126 units and so the said units recorded are not correct and it was due to faulty meter. Against this the Respondent BEST Undertaking has submitted that meter no. N023276 was tested on site as well as in lab before the complainant and manufacturer and same was found correct and recorded accurate reading. The Respondent BEST Undertaking has submitted that key to the cabin where meter was fixed was not available to the meter reader from November 2015 and therefore the consumer was billed on estimated basis up to February 2016 as per their practice, which resulted in under bill against the actual usage by the consumer. Thus, according to them in the month of February 2016, 16592 units brought by the meter reader and the consumer was billed for 13138 units. Thus according to the Respondent BEST Undertaking, there is no substance in the contention of the complainant that meter was faulty as it was tested for two times and found correct.
- 11.0 Having regard to the above submissions of rival parties, crux of the matter is as to whether electricity bill issued for the month of October 2015, January 2016, February 2016 and March 2016 are correct i.e. as per electricity consumed by the consumer. It is admitted that electricity has been provided to the premises through three phase meter. The electricity has been used for commercial purpose i.e. for running stitching machine for purpose of readymade garment. Considering the use of electricity for commercial purpose one cannot expect that the electricity consumed will remain steady like that of use of electricity for residential purpose. We observed so because the electricity consumer for commercial purpose will always be progressive as per its utility as the consumer used to consume electricity as per increase in his business. Logically consumption of electricity always depends upon its use, one may use electricity more in summer season in case of residence but in commercial purpose it depends upon nature of business as well as orders received from the customer in business.

- 12.0 Having regard to the above circumstances, we have to look into the grievance of the complainant. The grievances of the complainant regarding faulty meter has been clarified by the Respondent BEST Undertaking by testing the meter at site as well as in lab. Both the reports are at Exhibit 'D' & 'E'. Test report at 'D' depict that the meter was tested in presence of the complainant's son and likewise the case in respect of test report at Exhibit 'E' as both the reports bears the signature of son of the complainant. In view of this aspect really we do not find substance in the contention of the complainant that meter was faulty.
- 13.0 The Respondent BEST Undertaking has contended that average units consumed by the complainant for past 2-3 years is in between 1000-1500 units per month. It is their contention that for some period key to the cabin was not made available and therefore average bill was issued and when the actual reading was recorded, they have correctly issued bill for 13138 units. We find substance in this contention after going through the Meter Ledger Folio which is at Exhibit 'F', it shows that after replacement of the old meter N023276 and installing of new meter no. N155877 the consumption recorded by the complainant in the month of May 2016 is near about 2068 units. The complainant has submitted that he is satisfied with the units recorded by newly installed meter. If this would be the case then the contention of the complainant that electricity bill issued for the month of October 2015, January 2016 to March 2016 are incorrect has no base.
- 14.0 We have cautiously gone through the Meter Ledger Folio at Exhibit 'F' which is for the period from April 2012 to August 2016 i.e. for about 50 months. After going through the same it appears that the complainant was most irregular in payment of electricity bills. It appears that for the electricity bills issued for 50 months he has paid electricity charges for nine times and thereby due to his negligence he is liable to pay interest and DPC. If the complainant would have paid bills regularly then naturally there would have not been more arrears of electricity dues. It appears that electricity dues as on August 2016 is Rs. 3,54,040.54. It is because of charging DPC and interest due to negligence on the part of the complainant, for that complainant could not blame BEST Undertaking.
- 15.0 The Respondent BEST Undertaking in para 1.6 of written statement has contended that as the consumer was billed on estimated basis during the November 2015 to May 2016, the bills were recalculated vide dr/cr adjustment considering the final reading 26016 for meter no. N023276 for the above period and Rs. 24,454.25 will be debited in the bill of September 2016. The Respondent BEST Undertaking has placed on record the dr/cr note prepared by them at pg. 95/C and its calculation is at pg. 99/C. While argument we have asked the Respondent BEST Undertaking's representative how they have carved out the debit note of Rs. 24,454.24 by giving slab benefit for the period November 2015 to May 2016. They have failed to satisfy in that regard, as logically when slab benefit was given then there should be credit note and not debit note.

- 16.0 In the instant case, the units consumed before giving the slab benefit is shown as 29481 and after giving the slab benefit it is shown as same. In this case the units for the above said period recorded for each month is above 796 units. Considering the said units really there was no reason for the Respondent BEST Undertaking to give slab benefit as if units recorded up to below 500 would be entitled to slab benefit. We have recalculated the electricity charges as charged by the Respondent BEST Undertaking and it appears that there is clerical mistake in charging the electricity units and thereby they have wrongly carved out debit note of Rs. 24,454.24. This shows that concerned employees of Customer Care dept. were not diligent in their duty and wrongly passed the debit note and debited the said amount in the bill of September 2016. Thus the debit note passed by the Respondent BEST Undertaking for the amount of Rs. 24,454.24 is liable to be struck off.
- 16.1 The complainant has submitted that due to present financial crises in business, he is not in a position to pay of arrears of electricity dues at one stroke. He has requested to grant installments for payment of electricity dues. Considering the present financial crises in industrial zone as well as in the market, we think it just and proper to give four monthly equal installments for payment of electricity dues as on October 2016. It is expected from the Respondent BEST Undertaking not to charge interest and DPC on the electricity dues for the month November 2016, December 2016, January 2017 and February 2017 on electricity dues. If the complainant fails to pay any of the installment as stipulated in final order then the complainant is liable to pay interest on arrears.
- 17.0 In the aforesaid observation and discussion we find substance in the complaint in respect of grievance of issuing the debit note of Rs. 24,454.24, thus the complaint deserves to be partly allowed as under.

ORDER

1. The complaint no. N-G(N)-306-2016 dtd. 25/07/2016 stands partly allowed.
2. The debit note of Rs. 24,454.24 as carved out by the Respondent BEST Undertaking is hereby struck off. The Respondent BEST Undertaking is hereby directed to issue revise bill to the complainant after deducting the amount of debit note of Rs. 24,454.24.
3. The complainant is allowed to pay the arrears of electricity dues as on October 2016 in four equal monthly installments along with regular monthly bills. The first installment shall due in November 2016, the second shall due in the month of December 2016, third shall due in January 2017 and fourth shall due in the month of February 2017. If the complainant commence default in payment of any of the installment he is liable to pay interest on whole arrears of electricity dues.

4. The Respondent BEST Undertaking is directed to comply with the order within one month from the date of receipt of order and submit the report 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