

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. FS-288-2016 dtd. 10/02/2016.

Shri Suraj Hirman JagtapComplainant

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. Miss Shobha H. Jagtap

On behalf of the Respondent : 1. Shri B.K. Shelke, DECC(F/S)
2. Shri S.T. Damse, AAO, CC(F/S)

Date of Hearing : 01/04/2016

Date of Order : 13/04/2016

Judgment by Shri. Vinayak G. Indrale, Chairman

Shri Suraj Hirman Jagtap, 7/139, Manabai Sadan, Govindji Kini Road, Naigaon, Dadar (E), Mumbai - 400 014 has come before the Forum regarding his grievances of high bill for the period June 2009 to March 2015.

Complainant has submitted in brief as under :

The complainant has approached to IGR Cell on 20/03/2015 for complaint high Bill complaint pertaining to A/c no. 585-219-025*3. The complainant has approached to CGRF in schedule 'A' dtd. 25/08/2015 (received by CGRF on 05/02/2016) 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 Suraj Hiranman Jagtap has come before the Forum for grievances of high bill for the period June 2009 to March 2015.
- 3.0 The Respondent BEST Undertaking contents that prior to January 2009 electric supply was given through meter number **0498401** and average consumption recorded by this meter was less than 100 Units per month. As meter **0498401** had become sticky and stopped recording proper consumption for quiet longer period, was replaced by meter number **U082901** on 07/01/2009. Meter No. **U082901** had recorded average consumption as about 350 units per month. New meter started recording correct, hence amount of electricity bill was increased as compared to earlier period.
- 4.0 Meter number **U082901** has become defective i.e. not recorded proper consumption from September 2009. The complainant was charged on average bill and meter number **U082901** was replaced by meter number **B092651** on 12/01/2010 .
- 5.0 Vide letter dated 29/03/2010 complainant complaint for high bill. Hence , meter Number **B092651** tested at site on 29/03/2010. No abnormality noticed in functioning of the said meter. Consumer was accordingly informed vide letter dated 07/04/2010. As complainant was not satisfied with test results , meter No. **B092651** was replaced by meter number **D091725** on 30/06/2010 as per complainant's request.
- 5.1 Old meter **B092651** was sent for lab testing. The letter of intimation for testing of said meter i.e. B092651 scheduled on 16/05/2011 and again on 31/05/2011 was given to consumer, however as consumer remain absent on both the days, meter was tested on 10/06/2011 in absence of consumer and, "**meter found correct in accuracy test.**"
- 6.0 Meter No. **D091725** had stopped recording (DNV) from June 2011. Hence meter number **D091725** was replaced by meter number **C114773** on 25/04/2012. The complainant was charged for zero consumption for almost 8 months. An amendment was preferred for 3 months and same was debited bill for the month of Jan-2014.
- 7.0 Meter No. **C114773** was replaced by meter number **A149748** on 25/08/2014 vide high bill compliant in August 2014 . Old meter **C114773** was sent for lab testing. During lab testing on 05/11/2014 , "**meter found correct in accuracy and dial test.**"
- 8.0 Thus complainant's meter has been replaced 5 times, 3 times for the reason meter became defective (stopped recording consumption), 2 times meter found OK but removed for lab test as per consumer's request. No abnormal consumption recorded. On the contrary due to defective meter not got replaced timely, there is loss of revenue to the BEST Undertaking.

- 9.0 Meter replacement data was not timely updated due to some technical difficulties hence there was mismatch of meter number physically at site and that of printed on electricity bill or other advice letters generated from system. No abnormal consumption was recorded.
- 10.0 The complainant have not made any payment w.e.f July-2010 till Aug-2014. The reason for non-payment mentioned by complainant is that, there was a billing dispute. The complainant's dispute has already been resolved in year 2010 same was informed him vide letter dated 7th April 2010. It was further informed that function of energy meter which was doubted by consumer has been found working within limit of accuracy, there is no abnormality in electricity bills preferred to them based on consumption recorded by the energy meter and he was asked to pay the entire outstanding amount of electricity bill.
- 11.0 Regular electricity bill based on actual energy consumed are preferred to the consumer every month. Consumer account not tagged as NTD in our system. However on each follow up for recovery, consumer unnecessarily raised the dispute.
- 12.0 The consumer is not paying current bill also regularly. The outstanding amount as on bill for the month of Feb. 2016 is Rs. 1,04,200/-. The Forum may direct to complainant this amount.

REASONS

- 13.0 We heard argument of Shobha Hiranjan Jagtap representative of complainant and for the Respondent BEST Undertaking Shri B.K. Shelke, DECC(F/S) and Shri S.T. Damse, AAO, CC(F/S). Perused plethora of documents placed on record by either party to the proceeding. Perused written statement filed by the Respondent BEST Undertaking and documents placed on record and marked as Exh-A to I. Exh-B is lab test Report of Meter No-B 092651, and it depicts that meter found correct in accuracy test. Exh-C is test report of Meter No-091725 and result is O.K. Exh-E is the lab test report of Meter No-C 114773, and result is that it was correct in accuracy & dial test. Exh-I is Lab test report of Meter No-C 114773 and same is found correct in accuracy and dial test.
- 14.0 The representative of complaint has vehemently argued that since 16th June 2009 the complainant has made complaint of High bill to Customer Care Dept. of BEST and they did not resolve it and therefore on 20/03/2015 they approached IGR cell in Annexure "C". It is further submitted that the Respondent BEST Undertaking did not resolve the complaint of High bill for about five years and therefore their action of charging IOA and DPC on arrears of Electricity bill is arbitrary and illegal. Against this the representative of BEST has submitted that on the request of complainant they have replaced meter for five times and got tested the replaced meter and they were found correct in accuracy and dial test and therefore they have charged bill as per consumption of units and there is no substance in the grievance of complainant. It is submitted that during last six years i.e. 72 months the complainant has paid electricity charges for 12 times and therefore there is accumulation of arrears and so, liable to pay IOA and DPC as per MERC regulation.

15.0 We have cautiously gone through Meter Ledger Folio of the year 2008 in which average monthly consumption is below 100 units and since 2009 there appears high consumption of units. According to the Respondent BEST Undertaking in the year 2008 there was old meter and it became sticky and therefore showing less consumption and when said meter bearing No-0498402 was replaced on 07/01/2009 and installed new meter U082901 the recording of correct consumption started and this is the main reason that the complainant suspects High bill. If according to complaint he filed complaint of high bill on 15/06/2009 before Customer Care Dept. and not resolved then in natural course he ought to have approached IGR cell and if he would not satisfied with the decision of IGR or IGR did not resolve the dispute within two months he ought to have approached CGRF to seek redress. It appears that complainant did not take such recourse as per regulation and only made complaint of high bill and thereby he respondent replace the meter for five times during the period of 2009 to 2014. The complainant approached IGR cell on 20/03/2015. So as per regulation 6.6 the cause of action for the complainant of high bill for the period from 15/06/2009 to till 14/06/2013 arose in the month of June 2009 so, it is barred by limitation and consequently it cannot be entertained by this forum. We think it just and proper to reproduce Regulation 6.6 of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman), Regulation 2006.

6.6 "The Forum shall not admit any Grievance unless it is filed within two (2) years from the date on which the cause of action has arisen."

In this Regulation the word "shall not admit" has been incorporated, so it is mandatory. This regulation is made with a view that no one can tempted to raise stale claim of high bill as generally and normally old record would not be available with respondents and if available it would consume more energy to search out it and there by adversely affecting other important work.

16.0 It appears from the record, that is submission made by the complainant before this Forum in Schedule 'A' and we think it just to reproduce as under,

"November 2014 we received a letter dated 30/10/2014 (Exhibit 18) asking us to be present in the meter laboratory during testing of Meter No-C114773, scheduled on 05/11/2014. As per lab test result meter is found to be working within permissible limit of accuracy."

Thus the issue of inappropriate reading of Meter No-C114773 was resolved as BEST F/S ward's end in the month of Nov 2014(EXHIBIT -19) i.e. the Test report EXH-E.

17.0 Considering above said submission of the complainant really we do not find any grievance in the complaint of the complainant as according to him his grievance is resolved. It appears that the BEST has taken all measures and resolved the dispute to the satisfaction of Complainant. It reveals that the complainant had grievance only in respect of Charging IOA and DPC on arrears of Electricity bills. The record goes to show that during period of six years i.e. 72 months the complainant paid electricity

charges for 12 times as shown in EXh-A i.e. Consumer information record, which resulted into accumulation of arrears due to charging IOA and DPC and for that the complainant himself is responsible and therefore could not blame BEST. We observe that complainant is liable to pay IOA & DPC as he consumed electricity and failed to pay charges and thereby deprived BEST from utilizing Charges for their day-to-day activities.

- 18.0 We have perused the letter dated 22/04/2015 issued by BEST, Page 114 in which they have shown average consumption of electricity by complainant during period Jan 11 to March 15.

Period	Months	Total consumption	Avg. consumption
Jan 11 to May 11	05	1886	377
Feb 12 to Dec12	11	3410	310
Jan 13 to Jan 14	13	4953	381
Feb 14 to Aug 14	07	2634	376
Sept 14 to Mar 15	07	2591	370

Thus average consumption is in between 310 to 381 units. It appears that during June 11 to Jan 12 meter was defective and therefore they have carried out amendment as per regulation and charged average bill for 3 months.

- 19.0 Having regard to the above said reasons this forum do not find any substance in the grievance in the complaint. Thus consequently the complaint deserves to be dismissed.
- 20.0 Before parting to pass the final order we say that it is expected from the complainant to pay all arrears with a view to escape from IOA & DPC as it will be beneficial to him. We say that due to administrative work there is delay of 5 days in deciding this case. In result we pass the following Order.

ORDER

1. The complaint no. FS-288-2016 dtd. 10/02/2016 stands dismissed.
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