

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. S-D-254-2015 dtd. 31/03/2015.

Shri Chandrakant K. GaglaniComplainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Chairman

Quorum : Shri V. G. Indrale, Chairman

Member

1. Shri S.S. Bansode, Member
2. Shri S.M. Mohite , Member

On behalf of the Complainant : 1. Shri Chandrakant Gaglani
2. Shri Giriraj Gaglani

On behalf of the Respondent : 1. Shri H.V. Vagal, DECC(D)
2. Smt. S.S. Redkar, AAM CC(D)
3. Smt. A.S. Kanse, AAO CC(D)

Date of Hearing : 29/04/2015

Date of Order : 25/05/2015

Judgment by Shri. Vinayak G. Indrale, Chairman

Shri Gaglani Chandrakant K. Shah, 6/12, Shyam Nivas, Bhulabai Desai Road, Cumballa Hill, Mumbai - 400 026 has come before the Forum for waiver of amount of Rs. 3,94,918.12 charged in billing month March 2015 towards electricity charges of recorded 46,500 units as unbilled units from the period 08/04/2009 to 24/08/2012 arise out of check meter no. J010507 (installed in the year 2001) not found in series with main meter bearing no. C044998 at the time of inspection on 24/08/2012 pertaining to a/c no. 466-341-135*9 and not to charge any delay payment charges and interest on this amount.

Complainant has submitted in brief as under :

- 1.0 The complainant has approached to IGR Cell on 16/01/2015 for high Bill complaint pertaining to A/c no. 466-341-135*9. The complainant has approached to CGRF in schedule 'A' dtd. 27/03/2015 (received by CGRF on 27/03/2015) as he was not satisfied by the remedy provided by the IGR Cell Distribution Licensee regarding his grievance.

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

- 2.0 The complainant has come before the Forum for waiver of amount of Rs. 3,94,918.12 charged in billing month March 2015 towards electricity charges of recorded 46,500 units as unbilled units from the period 08/04/2009 to 24/08/2012 arise out of check meter no. J010507 (installed in the year 2001) not found in series with main meter bearing no. C044998 at the time of inspection on 24/08/2012 pertaining to a/c no. 466-341-135*9 and not to charge any delay payment charges and interest on this amount.
- 3.0 Shri Gaglani Chandrakant K. Shah, complainant, had filed his grievances in "Annexure C form" on 16/01/2015, stating that charges mentioned in letter Ref. No. 2065061 of Rs.3,95,117.49/-dt.08.01.2015 is unjustified on the part to claim after five years. Also requested not to add this amount in electricity bill and not to disconnect their connection, as claim is unjustified. Reply was given to "Annexure C form" mentioning in it to pay the legitimate dues (Rs. 3,95,117.49/-) to avoid any further complications.
- 4.0 Account No. 466-341-135 was transferred in the name of Shri Chandrakant K. Gaglani on dated 08/02/2001. Since 04/12/2001, there were two normal supply meters replaced on above account. Out of these two meters, meter no. A-036454 was replaced, under tampered case (VGS/103/T08 dtd 18/08/2008) on 28/08/2008, by new meter C044998 and same is still continued on site. Another meter J010507 was installed on 04/12/2001 under Tariff / ED code 99, as a check meter.
- 5.0 During the site investigation based on ID generated by exception section of CCD ward (YM, for reverse reading) in June 2012. The above said check meter (J010507) was found not connected in series with installed main Meter No. C 044998. This was confirmed by disconnecting both meters one by one and found that half premises load is getting OFF, which proved that load was distributed on both above meters. The total load distributed found was 5.42 kw on C044998 and 4.08 kw on J 010507 respectively. In order to establish the original electrical connections (both above meters in series) of installation of account No. 466-341-135, once again investigation were carried out and connections were made proper by our BEST staff / officer's in presence of consumer on 24.08.2012 and the recorded readings of both the meters were shown to consumer as for Meter No. C044998 Rdg. 13275 and that of check Meter No. J010507 Rdg. 5289. Also photographs were taken on site, prior to correction of circuit and after the correction of circuits of meters No. C044998 & J010507. On further verification/scrutiny of consumers earlier billing history (account No. 466-341-135), it is observed that due to above said wrong electricity connections, from April 2009 onwards consumption on meter No. C044998 is 46500 units for which consumer was not billed since 08.04.2009 to 24.08.2012.

- 6.0 As meter No. J010507 was found not connected in series with consumer main meter No.C044998, hence necessary credit / debit adjustment was worked out and duly audited which amounted to Rs. 3,95,115.49/- and the same which is debited to consumers account is correct i.e. CR/DR audit approval paper along with supporting documents).
- 7.0 After taking corrective measures on site on 24.08.2012, by connecting both the above meters in series, the consumption recorded on both meters i.e. C044998 and J010507 are almost same and are in range of 900 to 1400 units per month. From this it is crystal clear and can be concluded that debited amount of Rs. 3,95,115.49/- is legitimate dues against electricity consumed by consumer during the period 08.04.2009 to 24.08.2012.
- 8.0 In June 2012, after noticing the consumption abnormality in the account of 466-341-135 (reverse reading exception case), corrective measures were taken on site and immediately as per prevailing practice of undertaking, proposal in this regards was initiated in July 2013 to audit department for scrutiny/approval i.e. CR/DR audit approved papers along with supporting documents). However due to complexity of case, it took around one & half year to obtain the final approval i.e. December 2014. Thereafter in January 2015, letter was sent to consumer as per procedure giving intimation of debiting the amount in the ensuing bill. This amount of Rs. 3,95,115.49/- appeared in the bill of March 2015. In view of the notice issued to consumer for debiting above amount in his bill, consumer has filled in grievance C form on 16.01.2015. Prior replying to Annexure C, once again site investigation was carried on 11.03.2015 and site photographs of existing meters, consumers MCB, cut wires etc. were taken. As per inspection report and photograph dated 11.03.2015, it is revealed that, consumer had installed two MCB in one box above the service position, which clearly indicate that consumer involvement is their in the above change of meter circuit.
- 9.0 On 31/03/2015 consumer has given request letter mentioning that he may be allowed to make current bill payment of account No. 466-341-135, since the case is referred to CGRF Dept. he further requested not to disconnect electric supply till the order is passed by the forum in this regards. Considering his request, consumer's current bill payment has been accepted.

REASONS

- 10.0 We have heard the arguments of complainant and his son and for the Respondent BEST Undertaking Shri H.V. Vagal, DECC(D), Smt. S.S. Redkar, AAM CC(D) and Smt. A.S. Kanse, AAO CC(D).
- 11.0 We have cautiously perused the documents filed by the complainant along with Annexure as well as documents filed by the Respondent BEST Undertaking along with written statement more particularly Exhibit 'L' consumption recorded on both the meters after corrective measures taken at site on 24/08/2012 and Exhibit 'J' photocopy taken at site before and after correction of circuits of meters which are marked as exhibit - 'A' to 'R'.

- 12.0 After hearing the arguments of both the parties it reveals that the complainant has grievance in respect of debit bill of Rs. 3,95,117.49 regarding 46500 units recorded in check meter no. J010507 during the period of 08/04/2009 to 24/08/2012.
- 13.0 It is not disputed fact that since 04/12/2001, two meters bearing no. C044998 and J01057 (check meter) have been affixed to the premises of the complainant. The complainant has vehemently submitted that debit note of Rs. 3,95,117.49 of units 46500 for the period 08/04/2009 to 24/08/2012 that too after three years i.e. debit note issued on 08/01/2015, is barred by limitation. The representative of the Respondent BEST Undertaking submitted that the complainant has distributed the load in check meter and it has come to notice when they visited the premises on 24/08/2012 and therefore they have rightly noted down meter readings recorded in check meter since 08/04/2009 to 24/08/2012 and total units comes to 46500 so according to them claim is legitimate.
- 14.0 In order to ascertain this fact, we have gone through the documents more particularly Exhibit - 'L' consumption recorded on both the meters on 24/08/2012 after corrective measures taken on site on 24/08/2012. It has vehemently submitted by the representative of the Respondent BEST Undertaking, that it is the consumer who has distributed the load in two meters i.e. regular meter bearing no. C044998 and check meter bearing no. J010507 and due to this conduct on the part of the complainant, the said fact came to know by the Respondent BEST Undertaking on 24/08/2012 and therefore they issued debit note of 46500 units. These arguments advanced by the Respondent BEST Undertaking has some force, if we peruse the photocopies at Exhibit - 'J' filed by the Respondent BEST Undertaking. The said photocopies goes to show that load was distributed on both the meters and the Respondent BEST Undertaking noticed this fact and found that check meter was found not connected in series with the installed main meter no. C044998. The Respondent BEST Undertaking has confirmed this fact by disconnecting both the meters one by one and found that load of half premises is getting off which proves that load was distributed in both the above meters. This is clear from Exhibit - 'F' i.e. report prepared by the employee of the Respondent BEST Undertaking on 20/06/2012. If we go through photocopies at Exhibit - 'J', it appears that there was some switch fixed on the board giving the connection to both the meters. This shows that this mischief ought to have been done by the consumer i.e. the complainant with a view to deceive the Respondent BEST Undertaking. The complainant has submitted that he has not put the said switch on the board as shown in the photocopies. This argument is not at all sustainable as the employee of the Respondent BEST Undertaking has no reason to submit the false photocopy. Considering this conduct of the complainant, it appears that he must have got distributed the load in both the meters with a view to get low bill. Having regard to this aspect of the case, documents filed by the Respondent BEST Undertaking along with written statement more particularly Exhibit - 'I' investigation report dtd. 24/08/2012, Exhibit - 'J' photocopies, Exhibit - 'L' consumption recorded, in any case it cannot be held that debit note is not proper or illegal.

- 15.0 Having regard to the peculiar facts of this case, this Forum wish to observe that it is necessary on the part of the higher authority of the Respondent BEST Undertaking to issue directions to check the readings in check meter also and to see whether load was distributed in check meter as happened in this case. If the Respondent BEST Undertaking would have verified the meter reading in check meter this fact would have been detected earlier.
- 16.0 After going through the record i.e. consumption recorded on both the meters Exhibit-'L', it appears that as per units recorded in check meter, the Respondent BEST Undertaking has prepared the debit note of 46500 units and same is communicated to the complainant by letter dtd. 06/01/2015 Exhibit -'M' and the said amount has been shown in electricity bill of March 2015 Exhibit-'N'. It appears after going through the consumption recorded in both the meters are almost same and are in the range of 900-1400 units per month. It shows that the load was equally distributed in both the meters. Thus considering the entire documents, it reveals that the Respondent BEST Undertaking has correctly carved out the debit note on the basis of units recorded in the check meter which comes to 46500 units. This being the legitimate units consumed by the complainant, he is liable to pay the charges for these units as he has mischievously distributed the load with a view to deceive the Respondent BEST Undertaking. The photocopies at Exhibit - 'O' and 'P' makes the fact clear regarding the distribution of load as these photocopies goes to show that there is some wiring on the switch board.
- 17.0 The complainant has vehemently submitted that the Respondent BEST Undertaking has came to know this fact of distribution of load in two meters on 24/08/2012 and how the Respondent BEST Undertaking is entitled to recover the amount shown in debit note which is for the period from 08/04/2009 to 24/08/2012. According to the complainant, the said claim of Rs. 3,95,115.49 is barred by limitation as per section 56 of E.A., 2003. On this point, we wish to observe that it is the complainant who has played the mischief of distributing the load in both the meters, therefore, he cannot get the benefit of his own wrong. On this point, if any ruling is required, we rely upon the ruling of *Bombay High Court in W.P. 715/2001, M/s Rototex Polyester v/s Administrator, Administration of Dadra & Nagar Haveli, Silvassa* in which it has been held that if there is human error or clerical mistake, limitation period of two years does not apply to such case. In this connection, it is also felt that the word '*due*' in this context would mean due and payable after valid bill has been sent to the consumer.
- 18.0 In the instant case, it appears that although the Respondent BEST Undertaking has came to the notice the distribution of load in both the meters on 24/08/2012, they require time to proceed it with the authorities and to get sanction from Audit Dept. and therefore on 08/01/2015 they have issued demand notice of debit bill to the complainant and the limitation shall run from this date only.
- 19.0 For the above said reasons and considering the entire record, it reveals that the Respondent BEST Undertaking has properly carved out the units recorded in check

meter and issued the demand notice claiming the amount of Rs. 3,93,115.49. The complainant is liable to pay the said dues as it is charges of consumption of electricity by meter during the period from 2009 to 2012. Thus this Forum does not find any substance in the complaint filed by the complainant, so in result we proceed to pass the following order.

ORDER

1. The complaint No. S-D-254-2015 dtd. 31/03/2015 stands dismissed.
2. Copies of this order be given to both the parties.

(Shri S.M. Mohite)
Member

(Shri S.S. Bansode)
Member

(Shri V.G. Indrale)
Chairman