

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-A-258-2015 dtd. 27/04/2015.

Shri J.S. SahariaComplainant

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 P.B. Dandekar
2. Shri A.G. Parab

On behalf of the Respondent : 1. Shri N.V. Bhandari, DECCA
2. Shri R.U. Kasar, Supdt. CC(A)
3. Shri V.R. Sawant, AAM(A)

Date of Hearing : 11/06/2015

Date of Order : 15/06/2015

Judgment by Shri. Vinayak G. Indrale, Chairman

Mr. J.S. Saharia, 11, Yashodhan, Dinshaw Waccha Road, Churchgate, Mumbai - 400 020 has come before the Forum for high bill complaint pertaining a/c no. 302-147-019*4.

Complainant has submitted in brief as under :

- 1.0 The complainant has approached to IGR Cell on 18/03/2015 for high bill complaint pertaining to A/c no. 763-490-007*5. The complainant has approached to CGRF in schedule 'A' dtd. 23/04/2015 (received by CGRF on 24/04/2015) 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 On receipt of low bill complaint, meter no. C103369 was tested at site on 11.03.2014 and found that meter was defective. Hence meter no. C103369 was replaced by new meter no. J118834 on 12.03.2014. Old meter was also tested in our laboratory on 13.03.2014 and found defective (No communication, No display, No output pulse).
- 3.0 On going through the consumption history of defective meter no. C103369 it is observed that meter has recorded low consumption during the period from November 2013 to March 2014. Hence as per clause no. 15.4 of MERC (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 framed under provisions of Electricity Act, 2003, bill for the period of 3 months only is amended based on the average metered consumption for 12 months immediately preceding the three months prior to the month in which the billing is contemplated. Accordingly net debit adjustment for claim of Rs. 22791.35 was given in the bill for the month of February 2015.
- 4.0 The consumer disputed the claim amount vide his letter dtd. 18.03.2015 which is treated as complaint in annexure 'C' form. On going through the details of claim case it is observed that the average consumption of 794 units per month was wrongly calculated based on preceding 13 months consumption (i.e from Oct. 12 to Oct.13, total units 9526/12 =794 units per month) instead of 12 months consumption (i.e from Nov. 12 to Oct.13, total units 8932/12 =744 units per month). Hence the error is rectified and average consumption of 744 units per month is calculated based on preceding 12 months consumption and the debit/credit adjustments for wrong & correct claim amount are given to the consumer in the bill for April 2015. We replied consumer accordingly vide our letter dtd. 15.04.2015.

REASONS

- 5.0 We have heard Shri P.B. Dandekar and Shri A.G. Parab for the complainant and Shri N.V. Bhandari, DECCA, Shri R.U. Kasar, Supdt. CC(A) and Shri V.R. Sawant, AAM(A) for the Respondent BEST Undertaking. We have carefully perused the documents filed by the complainant along with Annexures and documents filed by the Respondent BEST Undertaking, Exhibit 'A' to 'F' along with written statement.
- 6.0 After hearing the argument at length it appears that the grievance of the complainant is that, debit note of Rs. 23,637.42 for units 2382 for the period 18/10/2013 to 24/02/2014 in which meter was defective is illegal and he is not liable to pay it. It is further contended that his average bill for the month of April 2014 to February 2015 is nearby 478 units, so the complainant disputed the average units calculated from units

recorded for twelve months and charged three months average bill after deducting the units charged during the period of defective meter. According to the Respondent BEST Undertaking, they have rightly carried out average bill by calculating units for twelve months since November 2012 to October 2013 which comes to 744 units and thus they have charged debit note for total units of 2382 and same is correct. Thus the Respondent BEST Undertaking has charged bill of Rs. 21,684.64 for three months by giving slab benefit and deducted the bill of units charged for which credit note of Rs. 846.07 is given. The Respondent BEST Undertaking has shown the calculation of debit and credit note at Exhibit 'E' & 'F'.

7.0 Having regard to the above said controversy and from test report at Exhibit 'B', it is clear that testing status of meter is shown as defective and testing remark is shown as 'No Communication', 'No Display' and 'No Output Pulse'. We have perused the meter Ledger Folio at Exhibit 'C' and it reveals that in November 2013, the units consumed is shown as 99 and there is remark of Low / NIL consumption. The remark of Low consumption is also shown in the month of December 2013 as well as in the month of January 2014 and in the month of February, March the remark is shown as 'Everything Normal'. It appears that considering the low consumption for the month of December 2013 and January 2014, the system has shown the remark 'Everything Normal' for the month of February and March 2014 however, from the Meter Ledger Folio it is clear that since the month of November 2013 to March 2014 meter was defective as shown in the lab test. In view of this aspect, reading shown in the Meter Ledger Folio, we have to see whether the average of twelve months carried out by the Respondent BEST Undertaking from December 2013 onwards is correct or not. We have to see the relevant Regulation 15.4 which is in respect of billing in the event of defective meter. In the instant case the meter was defective and therefore it is covered by last proviso which runs as under.

15.4 Billing in the Event of Defective Meters

15.4.1

<i>xxx</i>	<i>xxx</i>	<i>xxx</i>
<i>xxx</i>	<i>xxx</i>	<i>xxx</i>
<i>xxx</i>	<i>xxx</i>	<i>xxx</i>
<i>xxx</i>	<i>xxx</i>	<i>xxx</i>
<i>xxx</i>	<i>xxx</i>	<i>xxx</i>
<i>xxx</i>	<i>xxx</i>	<i>xxx</i>

Provided further that, in case the meter is stopped recording, the consumer will be billed for the period for which the meter has stopped recording, up to a maximum period of three months, based on the average metered consumption for twelve months immediately preceding the three months prior to the month in which the billing is contemplated.

- 8.0 In view of the above said proviso of Regulation 15.4, the Respondent BEST Undertaking is required to calculate average of twelve months from August 2012 to July 2013. However, it appears that the Respondent BEST Undertaking has calculated the average for twelve months since September 2012 to October 2013 and carved out average unit of 794 and charged three months average bill for total units of 2382. However, the Respondent BEST Undertaking has issued revised bill of average three months unit 2232 by charging unit of 744 units per month. The Respondent BEST Undertaking has given slab benefit and after deducting the bill of unit charged they have issued the debit note of Rs. 20,838.57. In view of the above and proviso of Regulation 15.4, it appears that the Respondent BEST Undertaking has wrongly taken into consideration average period of twelve months.
- 9.0 Having regard to the above said reasons, the Respondent BEST Undertaking was required to calculate average bill from August 2012 to July 2013 of which total unit comes to 7263 and average comes to 605 units, so the action of the Respondent BEST Undertaking of charging the average bill for three months by calculating the average unit 744 is not proper and in fact the Respondent BEST Undertaking was required to charge average bill for three months on calculation of 605 units i.e. for three months which comes to 1815.
- 10.0 For the above said reason it appears that the Respondent BEST Undertaking has wrongly calculated the average bill for twelve months and wrongly carved out average unit of 744 i.e. for three months 2232 units and in fact the correct average units are 605 i.e. for three months 1815 units. Thus the complaint deserves to be partly allowed.

ORDER

1. The complaint No. S-A-258-2015 dtd. 27/04/2015 stands partly allowed.
2. The Respondent BEST Undertaking is hereby directed to charge average bill for three months for 1815 units and after deducting units charged, issue a debit note by giving slab benefit.
3. The Respondent BEST Undertaking is directed to deduct the DP charges and interest if charged in the bill. The Respondent BEST Undertaking is further directed to issue the revised bill as per above directions within two months from receipt of the order and report the compliance within two months there from.
4. 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