

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-E-261-2015 dtd. 09/06/2015.

Shabbir Mulla Yusuf AliComplainant

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 CPO

On behalf of the Complainant : 1. Shri Shabbir Mulla Yusuf Ali

On behalf of the
Respondent : 1. Shri S.S. Neglur, Ag. DECC(E)
2. Smt. P.V. Sutar, AAM

Date of Hearing : 23/07/2015

Date of Order : 04/08/2015

Judgment by Shri. Vinayak G. Indrale, Chairman

Shri Shabbir Mulla Yusufali, R.No. 27, 2nd floor, Prabhat Bldg., 24/26, R.B. Chandoorkar Marg, Agripada, Mumbai - 400 011 has came before the Forum for high bill complaint regarding electricity bill amounting to Rs. 51,388/- for the month of June 2013 pertaining to a/c no. 544-395-012*4.

Complainant has submitted in brief as under :

The complainant has approached to IGR Cell on 22/01/2015 shifting of meters for high bill complaint regarding electricity bill amounting to Rs. 51,388/- for the month of June 2013 pertaining to a/c no. 544-395-012*4. The complainant has approached to CGRF in schedule 'A' dtd. 05/06/2015 (received by CGRF on 05/06/2015) as he was not satisfied by the remedy provided by the IGR Cell Distribution Licensee regarding their grievance.

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

- 2.0 Earlier electric supply was rendered to the complainant's premises under reference through meter no. A227050 on 30/06/1964 in the name Khalizabai M. Yusufali Rangwala. Later on meter no. A277050 was replaced by meter no. A098062 on 11/03/2010 for the reason broken seals. Later on meter no. A098062 was replaced by meter no. C119592 on 25/05/2012 due to 'No Display'.
- 3.0 In the month of June 2013, the complainant was served electricity bill amounting to Rs. 51,388/-. After that complainant consumer has complained for excess bill vide his letter dtd. 12/09/2013 and requested to check his meter and send him electricity bill accordingly. He further requested to adjust the entire excess paid bill amount in his ensuing bill. Hence complainant's meter no. C119592 was replaced under OT / lab test by meter no. E112330 on 28/11/2013 and meter no C119592 was sent for lab testing. During lab testing meter no. C119592 found OK.
- 4.0 On 22/01/2015, the complainant consumer filed the complaint in Annexure 'C' format for excess billing in the billing month of June 2013 and non-receipt of test report of meter no. C119592. Vide reply to Annexure 'C' dtd. 30/04/2015, the complainant was informed that during lab testing meter no. C119592 found OK.
- 5.0 As consumer is paying part payment from billing month July 2012, therefore arrears and DP charges of electricity bill are carried forward to next billing month and subsequent bill. The bill for the month of April 2015 is Rs. 65,132/-.

REASONS

- 6.0 We have heard arguments of the complainant in person and Shri S.S. Neglur, Ag. DECC(E) and Smt. P.V. Sutar, AAM for the Respondent BEST Undertaking. We have cautiously gone through the documents produced by the complainant as well as by the Respondent BEST Undertaking.

- 7.0 It reveals that the grievance of the complainant is in respect of recording the consumption of electricity units through meter no. C119592. It further reveals that the said meter was installed on 25/05/2012 and replaced on 28/11/2013, in view of complaint of high bill. The complainant did not make any grievance regarding the units recorded by the other meter no. E112330 which is installed after replacing the meter no. C119592. We have cautiously gone through the meter reading ledger folio pertaining to the meter no. C119592 and it reveals that in all 9510 units were shown as consumed by the meter no. C119592 during the period of 19 months.
- 8.0 According to the complainant for the first time he has made complaint of high bill (Exhibit 9/C) on 12/09/2013 and the Respondent BEST Undertaking did not get tested the meter and communicated the test report of the said meter. It reveals that only on 30/04/2015 the Respondent BEST Undertaking has communicated the complainant the test report of the said meter and informed that meter is OK and thereby requested to pay full amount of the bill. This shows negligence on the part of the Respondent BEST Undertaking to go through the test of said meter on spot and then to communicate test report to the complainant and if complainant is not satisfied with the test report on spot then they ought to have opted for lab test. In this case the Respondent BEST Undertaking did not go through above said procedure and directly that too without informing the complainant about the date of testing the meter in lab has informed the complainant about result of test report after near about 1 and ½ year. The complainant has fairly conceded that if the Respondent BEST Undertaking would have informed earlier about testing of meter then he would have paid the electricity charges as demanded. However, it is his grievance that in view of delay in testing the meter by the Respondent BEST Undertaking he could not be held liable for payment of DP charges and interest. We find some force in his contention because of inordinate delay on the part of the Respondent BEST Undertaking for entertaining the grievance of complainant.
- 9.0 The Respondent BEST Undertaking has placed on record the test report which is at Exhibit 19/C in which testing status is shown defective and testing remark is shown RTC failure. However, it is clarified by letter dtd. 22/04/2015 issued by AECC(E) that the defectiveness of RTC meter cannot affect the functioning of meter / recording of consumption of meter. In view of this letter, it appears that there was no fault in the said meter in recording the units.
- 10.0 We have gone through the meter ledger folio which the Respondent BEST Undertaking has produced at the time of hearing and it reveals that although the meter was installed on 25/05/2012, for the first time units recorded through the said meter as 1368 is shown only in the billing month of August 2012. Due to this aspect the complainant might have suspected consumption of high units and thereby made the complaint in September 2013 and thereafter knocked the doors of this Forum. The record goes to show that the concerned officials of the Respondent BEST Undertaking even after receipt of test report also did not take any care to recover the arrears as claimed under the bill and in the bill they had given some meager amount to pay the same. Due to this attitude on the part of the Respondent BEST Undertaking the

complainant has deposited meager amount and thereby the amount of arrears was grown up in view of addition of DP and interest.

- 11.0 Thus considering delay on the part of the Respondent BEST Undertaking in testing the meter as well as solving the problem of the complainant for grievance of high bill, the complainant cannot be held liable to pay DP charges and interest. We have calculated in all electricity consumption units consumed by meter no. C119592 and it comes to 9510. Thus the action of the Respondent BEST Undertaking in charging the DP and interest on the arrears is not justifiable.
- 12.0 Having regard to the above said reason the Forum comes to the conclusion that the complainant is not liable to pay DP and interest on the electricity bills issued to him on the basis of recording of units through meter no. C119592. Thus the complaint deserves to be partly allowed as under.

ORDER

1. The complaint No. N-E-261-2015 dtd. 09/06/2015 stands partly allowed.
2. The Respondent BEST Undertaking is hereby directed to issue revise electricity bill recorded through meter no. C119592 by deducting DP charges and interest thereon.
3. The Respondent BEST Undertaking is directed to comply with the order within one month's period from receipt of this order and report the compliance.
4. Copies of this order be given to both the parties.

(Shri S.S. Bansode)
Member

(Shri S.M. Mohite)
Member

(Shri V.G. Indrale)
Chairman