

**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(S)-263-2015 dtd. 12/06/2015.**

Mrs. Shakuntala Bhoga .....Complainant

V/S

B.E.S.&T. Undertaking .....Respondent

**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. Dr. Rajkumar Batham  
2. Shri Prabhakar Bhoga

On behalf of the Respondent : 1. Shri Shivanand B. Doddannavar, DECC(G/S)  
2. Shri V.W. Manukar, SCC(G/S)  
3. Shri Arun P. Walavalkar, AE Billing (G/S)  
4. Shri Abhijeet Mane, Dy.E. Billing (G/S)

Date of Hearing : 30/07/2015

Date of Order : 11/08/2015

**Judgment by Shri. Vinayak G. Indrale, Chairman**

Mrs. Shakuntala Bhoga, Shop no. 12, Shiv Sai Niwas, Opp. BDD Chawl No. 120, S.S, Amruthwar Road, Near Sumer Kendra, Worli, Mumbai - 400 013 has come before the Forum for dispute regarding high bill of Meter No.N103610 , A/C no.549-494-275 and the bill raised for month of November 2014 & December 2014 stating that the said bill is very much on higher side in comparison with her past consumption.

**Complainant has submitted in brief as under :**

The complainant has approached to IGR Cell on 12/01/2015 dispute regarding tampering of meter resulting in excessive bill pertaining to a/c no. 549-494-275. The complainant has approached to CGRF in schedule 'A' dtd. 08/06/2015 (received by CGRF on 10/06/2015) as she 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 Smt.Shakuntala Dharmayya Bhoga, having Meter No.N103610 under consumer no. 549-494-275 is our registered consumer and electric supply is being fed to the premises under reference for Commercial Tariff (LTIIa). The connected load as per record is 11.14 kw. The consumer has disputed the bill raised for month of November 2014 & December 2014 stating that the said bill is very much on higher side in comparison with his past consumption.
- 3.0 On 24.8.2014 all the 137 energy meters (129 single phase and 9 poly phase) were disconnected from auxiliary distribution pillar (ADP) remotely as there was a fire in the meter cabin of service no.2002687 of the said premises. 38- B notice for disconnection of meter / supply was issued on 24/08/2014 for the reason fire in service position , consumer's installation defective, live parts
- 4.0 Electric supply to all the consumers of meter cabin of service no.2002687 was restored on 28/8/2014 by us after receipt of work completion certificate from the License electrical contractor.. The society had also submitted a letter dt.28/8/2014 along with `work completion certificate' wherein it was mentioned that due to ensuing `Ganapati festival' they have carried out a temporary work in respect of preventive maintenance in the said cabin and permanent work will be done as soon as possible. Accordingly electric supply to all the consumers of the said meter cabin was restored on 28/8/2014. Meter no.N103610 in the name of Smt.Shakuntala Bhoga was also installed in the above meter cabin of Service No.2002687 under Consumer no.549-494-275.
- 5.0 The complainant has approached with the High Bill Complaint letter on 1/12/2014 on receipt of electricity bill of Nov 2014 amounting to Rs.65,540/- for consumed unit 3847 mentioning that the electricity bill of November 2014 is very high compared to other earlier bills and requested to send the appropriate bill.
- 6.0 At the time of inspection on 04/12/2014 it was observed that some electrical work was going on in the said meter cabin and fuses of the meter found removed. Also outgoing leads found disconnected in the main switch of the consumer. The reading of the meter was noted as 8693 kwh by testing crew by putting spare fuses. Meter cabin was again visited on 05/12/2014 and load survey of meter no.N103610 was downloaded by

our testing crew when it was observed that electrical work was going on in the cabin. The outgoing leads wire of most of the meters found disconnected from main switch and connected directly to bus bar through the branch cutout. The same was informed to Vigilance Department telephonically on 05/12/2014 (TGS-22). Accordingly, the meter cabin was inspected by Vigilance Department on 6.12.2014 and as per their report no direct supply observed in the meter cabin of Service no.2002687.

- 6.1 09/12/2014 the meter no.N103610 was tested with Accucheck machine found working within permissible limits of accuracy. Meter was tested on external load of 1000 watt lamp and average % error of the meter found as 1.62% . The testing report was acknowledged by representative of the consumer Shri B.Prabhakar.
- 7.0 The consumer had submitted another high bill complaint letter on 22/12/2014 after receipt of electricity bill of December 2014 amounting to Rs.88,880/- (inclusive of bill amount of November 2014) for the consumed unit of 1418.
- 8.0 Vide reply dtd. 29/12/2014 to RTI Application of the consumer dt.1.12.2014, it was informed to consumer that meter no.N103610 was tested with Accucheck and found working within permissible limits of accuracy of  $\pm 3\%$ . The final reading of electricity bill of December 2014 as 8693 is the reading noted at the time of testing of meter on 9.12.2014. Hence the bill preferred for the billing month of November 2014 is correct and payable. It was also informed that Accucheck report and load survey documents are available in our office.
- 8.1 In reply dtd.6.1.2015 to another RTI Application of the said consumer dt.23.12.2014, it was informed to the consumer that meter was found working within permissible limits of accuracy during the testing on 9.12.2014. Hence the unit recorded by the meter are correct and electricity of recorded unit are used through the meter. As such billing done for the month of November 2014 & December 2014 are correct and are as per the consumption of the meter.
- 9.0 On 12.1.2015, the consumer has registered complaint under Annexure `C` mentioning that there was a short circuit in the meter cabin of the consumer at 10.00 hrs on 24.8.2014. The police and fire brigade officers had visited the site immediately after short circuit to handle the situation. After the incidence all the meters in the cabin were kept off and consumers of the building had taken electric supply directly bypassing the meters. Further, there was no electric supply to the premises of the consumer from Diwali to 9.11.2014 and was restored on 10.11.2014. However, electricity bill received by the consumer on 27.11.2014 was Rs.65,540/- which was on higher side. He further informed that all the meters of the building were kept off for two months as the work was going on in the meter cabin and he is ready to make the payment of current bills regularly by keeping amount of Rs.88,880/- (bill month December 2014 including the arrears of previous month of November 2014) aside till the high bill complaint gets resolved and we should not levy the interest on the above amount. He also requested not to disconnect the electric supply of the meter.

- 9.1 In reply to complaint under Annexure `C` dated 11/03/2015 it was mentioned that, the said meter was Accucheck on 9.12.2014 when found working within the permissible limits of accuracy and meter reading at that time was noted as 8693 kwh. As per load survey data maximum demand (MD) recorded by meter no.N103610 in the month of October 2014 & November 2014 was more than 10.0 kw. It was made clear that more units are consumed through the meter during billing period of October 2014 & November 2014 due to the more usage of load which is evident from the load survey data. Electricity bill for the month of November 2014 was preferred to all the consumers of meter cabin 549-494 on the basis of actual reading. The electricity bill of Rs.65,540/- for consumed units 3846 as per the reading 7275 kwh of meter no.N103610 was sent to complainant consumer of A/C no.549-494-275.
- 9.2 It was further mentioned that since the meter is working properly the interest on arrears is leviable as per rule and requested consumer to make the payment of entire bill amount of Rs.81,000/- for the bill month February 2015 immediately. Copies of all relevant documents were given along with this reply.
- 10.0 As the consumer had disputed (high bill) for bill of November 2014 site , our officer visited the meter cabin of consumer to test the meter no.N103610 on 4.12.2014 & 5.12.2014 when it was observed that maintenance work was going on in the meter cabin and fuses of the meter of the consumer found removed. Hence only reading of the meter was noted as 8693 kwh by putting spare fuses and load survey of the meter was down loaded. Besides, direct supply was observed by our officer in the said meter cabin which was informed to our Vigilance Department immediately. However no direct supply was noticed by our Vigilance Department when the cabin was inspected on 6.12.2014 by them.
- 11.0 However, we had received complaint letter from the consumer on 10.3.2015 just one day before we sent reply to consumer in respect of complaint under Annexure `C` on 11.3.2015 and we had replied to the said complaint letter on 09/04/2015.
- 12.0 Vide above mentioned complaint letter dt.10.3.2015 the consumer disputed for consumed unit and billed amount in the bill of billing month December 2011, Jan 2012, Feb 2012, June 2012, Oct 2014, Nov 2014, Dec 2014, Jan 2015 of consumer no.549-494-275. In our reply letter dt.9.4.2015 we had clarified the billing complaints month wise except for the month of Nov 2014 & Dec 2014 though it was not related with the present high bill complaint for the month of November 2014 & December 2014 as same was already replied on 06/01/2015 under RTI Application dt.23/12/2014 of the consumer. In our said letter it was mentioned that billing preferred for A/C No.549-494-275 is correct and there is no falsification of record as contended by the consumer and therefore the bill amount of March 2015 is payable by the consumer.
- 13.0 Vide our letter dt.23.4.2015 again the consumer was informed to make the payment of Rs.83,120/- of bill month April 2015 as the billing of the consumer no.549-494-275 is correct failing which his supply will be disconnected as per Section 56 (1) of Electricity

Act 2003 without any prior intimation. Subsequently as neither there was a response from the consumer for making the payment nor he approached Appellate Authority i. e. Hon'ble CGRF, meter no.N103610 of consumer was removed on 11.5.2015 for non-payment of electricity bill Rs.83,120/- after following due procedure.

- 14.0 The representative of the consumer visited this office on 14.5.2015 for reconnection of electric supply, when Divisional Engineer Customer Care G/S Ward had explained in detail about their case of billing dispute and replied all the queries raised by them . Since the Electric supply was already disconnected they were advised to make 50% of dispute amount `under Protest' so that supply can be reconnected and they may still approach Hon'ble CGRF & get their billing dispute resolved. Accordingly the consumer made the payment of Rs.42,000/- on 15/6/2015 & supply was restored by reconnecting the same meter No. N103610 on same day.
- 15.0 The complainant had made various allegation in her complaint in Schedule 'A' our comments are as follows.
- 15.1 The Meter No. N103610 installed in the name of the consumer under A/c. No. 549-494-275 is poly phase static meter and nobody from the department has tampered the meter reading of the consumer. Tampering of the meter reading is delusion / presumptions of the consumer. However, the consumer was billed on the basis of estimated reading in the month of January 2012 due to defective meter and in the month of September 2014 due to branch cutout of the meter found removed and it is not called as tampering of meter reading. Thereafter the meter was read correctly and the consumer was billed accordingly. Hence the allegation of tampering of meter is not a question. On the contrary complainant was not having doubt with the accuracy of the meter. Also denied for official testing in the laboratory.
- 15.2 BEST Undertaking is a Public Undertaking. By charging the complainant un-necessarily as claimed by him will not benefit any individual. All staff /officers have to work within the jurisdiction and powers entrusted to them.
- 15.3 The Section 127 of Electricity Act-2003 is not applicable for disconnection of supply in case of non payment of electricity bill arrears. It is applicable for assessment in case of unauthorized use/extension of supply as per Section 126 of Electricity Act 2003. Even in cases falling under Section 126 of Electricity Act 2003, as per section 127 (amended) the party has to make 50% payment of dispute amount and approach Appellate Authority and not 1/3 of disputed amount as claimed by the complainant. All these were explained to the representative of consumer during their meeting with Divisional Engineer on 14.5.2015.
- 15.4 Further it was informed that Section 127(2) of Electricity Act 2003 is applicable for assessment in case of unauthorized use of supply or unauthorized extension of supply. However, in reply to Annexure `C' received on 12/1/2015, we have already informed consumer to make the payment as the meter is working properly & billing is correct, otherwise approach to Hon'ble CGRF.

- 15.5 In the bill month of September 2014 estimated 120 units were charged due to the reason-NBC (branch cutout of the meter found removed). Therefore necessary debit /credit for estimated bill in the month of Sept.2014 was calculated & net credit of Rs.672.93 (Debit - 1245.39 & Credit -1918.32) was given to the consumer in his bill of May 2015. This is done as per our normal procedure. Hence, we have not fabricated / manipulated any reading as claimed by the complainant.
- 15.6 No Late payment charges are levied in the electricity bill of consumer if entire arrears amount is paid by consumer till due date of bill. In this case consumer is paying only current bill and that too not before due date. As such the Late Payment Charges was levied to the consumer on the balance amount as no payment of entire arrears is made by the consumer. Accordingly, Rs.27.66 levied in the bill of May 2015 (Pg.48 Ex-`Div`) as bill amounting to Rs.83,120/- was not paid by the consumer till due date.
- 15.7 In the billing month of Dec. 11 Meter No. N090390 could not be read by the meter reader due to `error code`. Hence consumer was charged `Zero` units. The meter No. N0903890 was tested on site on 3/1/2012 when found defective. On the basis of testing remark the consumer was billed on average for 122 units in the billing month of Jan. 2012.
- 15.8 The stop meter No.N090390 was replaced by new meter No. N103610 on 25.1.2012. However, new meter no. was not updated on reading folio till next meter reading on 3/2/2012 . Hence old meter no. was indicating on the reading folio even though meter was removed under replacement. As meter No. N090390 was not found in meter cabin on reading date on 3/2/2012 reader brought remark `Meter not on board`. Therefore `Zero` Unit was charged in the bill month of Feb. 2012. Subsequently necessary Dr/Cr for the period of 3 months as per Section 15.4.1 of MERC Regulation 2006 has been done by the system and reflected in the consumers bill in the month of April 2014.
- 16.0 The stop meter amendment is prepared as per Section 15.4.1 of MERC Regulation 2006 for the period of 3 months. Accordingly the consumer was charged Rs. 1457.44 for the period of stop meter i.e. 7/10/2011 to 4/1/2012 which is effected in bill of April 2014. (mentioned in adjustment column of bill of April 2014).
- 17.0 In the month of Sept. 2014 the consumer was billed on estimated reading of 120 units as the meter could not be read on actual basis . Therefore final reading of Sept. 2014 is considered as 3490 (previous month reading 3370 +120 = 3490). However, in the following month of Oct. 2014 actual reading of the meter was noted by meter reader as 3428 which was less than the previous months reading (arrived due to addition of estimated units). Hence consumer was billed on `Zero` units in the month of Oct. 2014. The actual total consumption for bill month Sept. 2014 & Oct. 2014 is 3428-3370 = 58 Units. Hence the per month Average consumption is 58 / 2 = 29 units. Since consumer was charged for 120 units in Sept. 2014 the credit of billed amount of Sept. 2014 & Oct. 2014 bill was given to consumer and re-billed for month Sept. 2014 & Oct.

2014 on the basis of 29 units per month and this amount adjusted in the bill of consumer. This procedure is adopted whenever a consumer is billed on estimated units. The said debit/credit is effected in the bill of consumer of May 2015. Please note that above case is not of reverse reading of the meter but actual reading noted was less than the estimated reading charged.

### REASONS

- 18.0 We have heard the arguments of Dr. R.B. Batham, the representative of the complainant and Shri Shivanand for the Respondent BEST Undertaking. We have cautiously gone through the huge documents and correspondence filed by the complainant which consists of near about 1-137 pgs. and written submission dtd. 27/07/2015. We have perused the written statement filed by the Respondent BEST Undertaking and documents annexed with written statement.
- 19.0 The representative of the complainant has vehemently submitted that the average units consumed by the complainant is in between 100-145 units and only for the month of November and December 2014 there is recording of units 3874 for November and 1418 units for December 2014 and therefore it is a case of jumping of meter or shooting up the meter. Shri Shivanand, the representative of the Respondent BEST Undertaking has submitted that they have tested the meter on spot Exhibit 'P' on 09/12/2014 and meter was found OK and in remark column it is observed that "meter tested with accu-check. Found within permissible limit. Meter checked on external load 1000 amp." Shri Shivanand has further submitted that the complainant never prayed for replacement of the meter bearing meter no. N103610 and still the said meter is on site. He has further submitted that the complainant has no grievance about the accuracy of the said meter and units recorded by the said meter except for the month of November and December 2014. He has further submitted that the load survey of the meter was down loaded on 05/12/2014 from the meter at site and as per load survey report there was continuous load on the meter till 10.30 hrs. on 28/11/2014. He has submitted that as per load survey report maximum demand recorded by the meter is 10.89 kw on 17/10/2014 in October 2014 and 10.14 kw on 04/11/2014. The Respondent BEST Undertaking has placed on record the said meter reading register computerized data from memory register of the meter and same is at Exhibit XV pg. 157-222. We have cautiously gone through the said data and it appears that in this data there is recording of kw utilized for every 30 minutes.
- 20.0 We have gone through the complaint in which the complainant has made wild allegation besides his grievance in respect of electricity bill issued for the month of November and December 2014. We have gone through the written statement filed by the Respondent BEST Undertaking in which they have clarified all the grievances of the complainant in respect of recording the units by previous meter and the Respondent BEST Undertaking has given the debit / credit bill to the complainant. Thus it appears that except the grievance of electricity bill for the month of November and December

2014, the complainant has no other grievance. The Respondent BEST Undertaking has placed on record Meter Ledger Folio Ex XI pg. 154 and after going through the same it appears that the units recorded by the meter no. N103610 from March 2012 till October 2014 the average units consumed per month is in between 80-145 units. It appears that only units consumed for the month of November is shown as 3847 and for the month of December 2014 units are 1418. In view of this, the complainant has made grievance of high bill. It is admitted fact that the complainant was consuming the electricity for commercial purpose for running the small printing press. Thus we have to see whether there is any substance in the grievance of the complainant or not. On this point the Respondent BEST Undertaking has placed on record one report of site visit done by the employee on 04/12/2014 and 05/12/2014. We think it just and proper to reproduce the same.

“04/12/14 - visit on site to accu-check above meter as per instructions by AECCG/S(Bill). Meter could not accu-check because meter found N.B.C. Also outgoing wire from D.P. switch found disconnected (No load on meter), current reading taken by using spare bridge CR-8693. Preventive maintenance work was in progress.”

“05/12/14 - Also observed that in meter cabin, preventive maintenance work (unofficial) in progress, outgoing wires of maximum meters found disconnected from D.P. switchers and wires are hanging and also found all wires are directly connected to branch cutout which is connected to busbar.”

21.0 The above said remark of concerned employee on pg. 107 very well goes to show that either complainant or any other person must have consumed the electricity through the said meter and for that the Respondent BEST Undertaking could not be blamed and it is the complainant herself appears to be not diligence in that regard. We are saying so because of meter reading register computerized down loaded data from memory register of meter placed on record as Exhibit XVI. In said down loaded data on pg. no. 218 units recorded for twelve months is shown on the basis of kwh. In written statement the Respondent BEST Undertaking has very clearly clarified all the things and from the said clarification it is clear that the electricity bill issued for the month of November and December 2014 is of correct units recorded through the meter no. N103610. It is not out of place to observe that if in reality the complainant had any grievance about the accuracy of the meter then there was no hitch for him to get the meter tested in BEST’s lab or any other lab approved by the government.

22.0 Having regard to the above said reasons, it appears that billing for the month of November and December 2014 is based on actual reading recorded by meter no. N103610. The record goes to show that the complainant has failed to pay the bill for the month of November and December 2014 and therefore the Respondent BEST Undertaking has taken action under section 56(1) of Electricity Act and removed the meter. It appears that the complainant has paid 50% of electricity dues and then again restored the electric supply through the said meter no. N103610. It further reveals that the complainant has no grievance at present about the units recorded by the above said meter. Considering the report of concerned employee of the



Respondent BEST Undertaking at pg. no. 107 Exhibit E-VI, it appears that in the month of October and November 2014 either the complainant or any other person must have consumed electricity during the said meter and it is not a case of jumping of meter or excess reading of meter.

- 23.0 The circumstances on record goes to show that the complainant was / is negligent in taking the proper care of the place where the meter is installed. We have gone through the complaint which runs in various pages and it appears that the allegations in the said complaint are baseless and aggrieved person have right to take any criminal action against the complainant.
- 24.0 For the above said reason after going through the record this Forum came to the conclusion that there is no substance in the complaint of the complainant for high bill for the month of November and December 2014. In result we pass the following order. If the complainant is still has any grievance about is electricity bill for the month of November and December 2014, he is at liberty to get the meter tested at BEST's lab or any other lab approved by the Government on payment of requisite charges.

#### **ORDER**

1. The complaint No. N-G(S)-263-2015 dtd. 12/06/2015 stands dismissed.
2. 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