

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(N)-45-07 dt . 18/12/2007

Shri. R. J. Uttamchandani Complainant
V/S
B.E.S. & T. Undertaking Respondent

Present

Quorum 1. Shri. M.P. Bhave, Chairman
 2. Smt. Vanmala Manjure, Member
 3. Shri. S. P. Goswami, Member

Appellant 1. Shri. R. J. Uttamchandani

On behalf of the Respondent 1. Shri. Deshpande – AO. G(N)
 2. Shri. Gaitonde –Supdt. CC (GN)

Date of Hearing: 8/2/2008

Judgment by Shri. M.P. Bhave, Chairman

Shri. R. J. Uttamchandani has come before this Forum for his grievance regarding high bill of A/C No. 634-131-019.

Brief history of the case

1. Shri R. J. Uttamchandani is registered consumer of BEST Undertaking using electricity through Meter No. B021240 for ground floor A-2, La-Salette Bldg., La-Rose CHS, 356 Sittladevi Temple Road, Mahim, Mumbai – 400 016. The consumer has approached to licensee i.e. BEST Undertaking in 2004 regarding high bill complaint and subsequently he was taking up the matter with licensee for two years i.e. upto 2005. Finally consumer approached to IGR Cell of licensee in annexure-C of 6/12/2005 and disputed the billing on meter No B021240. Unsatisfied with the reply of licensee the consumer approached to CGR Forum in schedule-A on 18/12/2007

Consumer in his application and during hearing stated the following

1. Since beginning of installation, average consumption of units to be note more than 200 units. Gradually it increased to nearly 240 units per two months, with yearly or so increase of hardly 10 units. However, SINCE the last months of 2003, the consumption increased to 300 or sometimes more than 300 units. The appliances were the same, having NO AC, HEATER OR OVEN. The appliances consist of three tubes lights of 40W each, one in each room & kitchen, one Fridge of 165 L capacity, two fans one in each room and one iron, with 40 W bulb in veranda and bathroom, toilet having Zero bulb. These appliances have been checked & confirmed by BEST.
2. He has lodged first compliant dated 13th February, 2004 for the excess unit consumption billed by BEST in their bills ranging from 29/7/2002 to 28/1/2004, particularly excess consumption was recorded heavily, from 10/7/2003 to 8/1/2004 recording units of 332, 303 and 306 when the average for two months all these years was not more than 250.
3. BEST ultimately checked the old meter No. 355162 and installed subsequently electronic latest model meters, twice in a row since first one was recording again higher unit and even the last one No G035405 is running faster than the previous meter. These latest electronic meters ate defective once in as much as at the manufacturing levels itself these are 3% fast, which means when they are run the tolerance limit goes upto 6% as these are already programmed by the manufactures at 3% tolerance level.
4. The electronic meters consume more unit is also clear from the fact that these are for 375 revolutions per KWH whereas the old meter is installed previously was having 440 revolutions per KWH, a difference of 65 revolution per KWH obviously the new electronic meters are drawing more electricity than what is consumed.
5. In view of the difference in regulation of KWH he asked BEST to remove the present electronic meter and replace it with the old one having 440 revolutions per KWH, but there is no response from them so far.
6. He also asked BEST to get the new electronic meter checked by C.P.R.I since he was not satisfied with the BEST test result. However, BEST asked them to bear the total expenses for this test which would be conducted at Delhi.
7. He also asked BEST to otherwise explain why the consumption of units has increase when the appliances remained the same when prior to 2004 the units consumed were in the range of 230/240 bimonthly. Not only that but the BEST now

shows the average as 200 in their bill of July 2006 while the average is shown as 150 in the bill of April, 2007

8. He also send BEST a copy of "some ready calculation" published by Bureau of Energy Efficiency, Ministry of Power, Govt. of India and asked them to compare these figures with the consumption figures recorded by BEST meters with the appliances run by him.
9. One security deposit paid by him on behalf of owner of the flat in 1962 is not taken into account by BEST saying that this is paid by the owner. The deposit is paid against the meter and not against the name of the owner/tenant of the flat. BEST do not give any interest on the deposit.
10. He also pointed out to the BEST inspite of one room remaining vacant on most of the time the consumption is not coming down. He also pointed out that if meter is not defective why there is no reduction in the consumption of the units when one room of the flat remains vacant.
11. Consumer during the hearing reiterated above mentioned points raised during his application and asked the BEST the reasons for excess consumption of units.

BEST in its written statement and during hearing stated the following:

1. Shri. R.J.Uttamchandani vide his letter dated 23/3/2004 had complained about high billing on meter No.0355162 for the period July-2003 to January-2004. As the consumption on the meter was steady, letter was sent to the consumer on 5/4/2004. In between meter was tested on 26/3/2004 and on 3/5/2004 when the meter was found working properly.
2. The consumer vide his letter dated 5/8/2004 again disputed the billing on above meter. Hence, consumer was informed vide letter dated 19/8/2004 that meter was tested on 26/3/2004 and 3/5/2004 and was found working properly. It was also informed to the consumer to go for Official Testing (O.T). Consumer applied for O.T. vide O.T. SM-41 dated 6/12/2004. The meter was replaced by new meter No. B021240 on 8/12/2004. As per O.T report dated 3/1/2005, the old meter was found working within permissible limits. The results of O.T. were conveyed to the consumer vide letter dated 21/2/2005.
3. Vide letter dated 7/7/2005 and 29/8/2005 consumer again disputed the billing on meter No. B021240 for bill period July-2005. As the consumer was not billed during earlier billing period i.e. 14/1/2005 to 6/5/2005. BEST had allowed the credit of Rs. 1,720.75/- for combined billing in the bill of July-2005. The slabwise credit was given to the consumer in his bill of September 2005. This was informed to the consumer vide letter dated 4/8/2005.
4. Consumer vide its letter date dated 27/9/2005 disputed the billing on meter No.B021240. Vide our letter dated 4/11/2005 we had called the consumer to discuss the matter in person, however, consumer did not turn up.

5. Consumer requested his grievances under Annexure 'C' vide his letter dated 6/12/2005 disputed the billing on meter No.B021240. The meter was tested on 7/7/2005 when same was found working properly. As the consumer was not satisfied he was asked to apply for Official Testing of said meter. The 2nd meter was replaced on 10/12/2005 by meter No.G035405. The old meter was tested in Undertaking's Testing Laboratory on 6/1/2006 in consumer's presence and was found working properly. Vide our letter dated 24/1/2006 we had replied to consumer and consumer was requested to pay the outstanding bill.
6. The unit consumption of meter No.0355162 was found to be progressive. However, on receipt of high bill compliant from the consumer, the meter was tested on 26/3/2004 and 3/5/2004 and was found OK. The meter No.0355162 was replaced by meter No.B021240 on 8/12/2004. As the consumer was not satisfied the meter was sent for Official Testing (O.T.) in our laboratory O.T. of meter No.355162 was done in presence of the consumer on 3/1/2005 and it was found that the meter was working within the permissible limits of accuracy.

The consumer still complained about billing of meter No.B021240. This meter was tested on 7/7/2005 and was found working properly. Here again as the consumer was not satisfied with the report, he was requested to go for O.T. Meter No.B021240 was replaced by meter No.G035405 on 10/12/2005. The O.T. of meter No.B021240 was conducted in the presence of consumer on 6/1/2006 and was found to be working within the permissible limits of accuracy.
7. The consumer has disputed the bills for the period July-2003 to January-2004 saying his average bi-monthly consumption of previous years was not more than 250 units. However, if the consumption of corresponding periods of subsequent years is noticed that we had replaced two meters of the consumer during above periods & both the meters were found working properly in the Laboratory Testing. Besides, the consumption of the year 2007, for the same period proves that 250 units/bimonthly which proves that usage/consumption of the consumer is high during the specific period.
8. Meter No.355162 is replaced by meter No. No.B021240 on 8/12/2004 and meter No.B021240 is replaced by meter No.G035405 on 10/12/2005. These all three meters are electromagnetic type i.e. conventional meter and not electronic meters. The meters are tested in our Laboratory as per IS 13010 : 2002 and same is applicable to manufacturers.
9. The REV/KWH i.e. constant of the meter varies from design to design and make to make and it does not affect the quantum of electricity registered in the meter. Therefore, consumer's request for replacing the meter for different REV/KWH is not acceptable.
10. The BEST Undertaking had sent the letters stating that whether the consumer is ready to bear the cost of testing of the meter at Central Power Research Institute. However, the consumer did not give any response to these letters.
11. As both the meters were found to be working within the permissible limits of accuracy, it is clear that the consumption recorded by the meter has been used by the consumer.
12. The electricity bills are charged as per the Tariff Schedule approved by the appropriate authority.

13. As security deposit of a consumer cannot be transferred to another consumer's account, without the prior consent of the original/old consumer, a negative reply in this regard was given to Shri. R.J. Uttamchandani.
14. As per Section 11.12 of the Supply Code, it is mandatory to pay interest at the rate fixed by Reserve Bank of India till the 30th Day of request for refund of security deposit, at present it is @6% per annum.
15. BEST Official during the hearing reiterated above mentioned points and again informed that they have tested consumer's meter at the site and also in the laboratory and the same was found working satisfactorily. About the testing of the meter at CPRI consumer was informed about the expenses involved. However, he has not responded regarding this. Regarding the security deposit consumer has not submitted the receipt. There is hardly the difference of 25 to 30 units as per the consumption pattern. Regarding REV/KWH it was informed that it varies from design to design of energy meter and there is no change in registration of energy even though there is change in REV/KWH. As per BEST Representative there was a bimonthly billing upto March 2007 and thereafter i.e. from April 2007 monthly billing started. After studying the ready calculations from bureau of energy efficiency submitted by the consumer it was informed that the exact consumption on the meter depends upon the number of hours for which load used by the consumer and the life the appliances connected at the consumer's premises.

During the discussion

1. BEST should find out nearest approved testing laboratory for testing the consumer's meter at minimum expenses within a period of 15 to 20 days. The expenses may be shared by BEST and the consumer. Later on BEST has informed that the nearest testing facility is at IDEMI, Sion which is a Government of India Society.
2. BEST should record the consumption of meter keeping all the consumer's load on for a period of 15 min in presence of consumer and convince the consumer regarding proper working/recording of the energy meter.
3. The consumer may also hire the services of his trustworthy knowledgeable person who can witness the test to ascertain the correctness of testing of meter by BEST at the site as well as in the BEST / third party laboratory as mentioned above.

Observations

1. The consumer is a senior citizen and has consistently contested the billing.
2. The consumer has shown a standard chart for consumption of electricity for various household gadgets. However, it may be understood that such charts are based on assumed number of hours of consumption. If the consumption is for more or less hours in a day or the actual gadgets are of different capacity the consumption recorded by the correct meter will be different from as indicated by the table.
3. The Best has tested the meter previously and found it correct.
4. In the opinion of the Forum, the matter is of convincing the consumer that meter is working fine.
5. Therefore one more test may be on site test should be conducted at the premises.
6. This test carried at maximum load, will help the consumer to understand the amount of units consumed.

7. Such test has to be carried out at a time agreed by the consumer. It is expected that as a consumer is a senior citizen, he keeps some knowledgeable young person whom he believes, present at the time of testing.
8. If the meter does not satisfy the accuracy criterion, the consumer should be asked to pay on the basis of average consumption.
9. In case consumer is satisfied with the testing, he should be asked to pay the arrears with not less than six monthly installments.
10. As per Section 55 of IE Act 2003 the licensee is required to charge the consumer through the installation of the correct meter.
11. If consumer disagrees with the on site result, the meter should be tested at IDEMI, Sion.

ORDER

1. The BEST is directed to carry out the meter test at site at a time agreed by the consumer, within 30 days time.
2. If the meter is found working within permissible limit the arrears for the consumer may be recovered in 6 equal monthly installments.
3. If the meter is found working otherwise then the consumer should be charged 120 Kwh per month for the period of from the date 10/12/2005.
4. After the site test, if consumer so desires he can request BEST to test the meter once again,
5. In that case, the BEST should test the meter at IDEMI, Sion.
6. After the test at IDEMI the BEST may recover 50% of the basic test charges i.e. Rs.2,500/- only, from the consumer.
7. The test results of IDEMI shall be binding on both the parties.
8. Copies be given to both the parties.

(Shri. M. P. Bhave)
Chairman

(Smt. Vanmala Manjure)
Member

(Shri S. .P.Goswmai)
Member

D:\D1\judgement_R. J. Uttamchandani.doc