

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-F(N)-93-2010 dt . 5/2/2010

Smt. Rajbai H. Gala.Complainant

V/S

B.E.S. & T. UndertakingRespondent

Present

Quorum 1. Shri. R.U.Ingule, Chairman
2. Shri. S. P. Goswami, Member
3. Smt. Varsha V. Raut, Member

On behalf of the Complainant 1.Smt.Kamla S.Gala
2.Shri.Dheer S.Gala

On behalf of the Respondent 1. Shri. D.R.Ohol,DECC(F/N)
2. Shri. R.P.Gathe,AOCC (F/N)

Date of Hearing: 1/6/2010

Date of Order : 11/6/2010

Judgment by Shri. R.U.Ingule, Chairman

Smt. Rajbai H. Gala, 2nd floor, 8 Mahavir Building, Govt. Quarters, Wadala, Mumbai – 400 031, approached to CGR Forum for her grievance against High electricity bill, of A/c No. 737-008-031*3. She has prayed for waiver of D.P. & Interest charges, suitable monthly installments for payment & slab wise benefit.

Complainant's contention in brief are as under

1. Complainant Smt. Rajbai H. Gala has approached the Internal Grievance Redressal Cell of respondent (BEST) on 23/10/2009 for her grievance against High electricity bill, of A/c No. 737-008-031*3. In her complaint she said that in the month of August 2009 she got the higher bill of Rs. 11,000/- as she was not charged for the period April-2008 to July-2008, she requested for average billing for the said 5 months period on lower tariff.
2. In response to her grievance in IGR Cell, Respondent vide letter dtd. 2/12/2009 informed that her meter bearing serial no. B012670 was found fast & accordingly after calculations credited Rs.963.17 in her account. Also, slab wise benefit of 5 months (i.e. for the period April-08 to Aug-08) was given to her as during the said period billing was not made & was asked to pay the outstanding bill as per revised calculations. Her meter was sent for lab testing.
3. Unsatisfied by the reply of respondent's IGR Cell as there was no clarification on interest charges & the bill amount, complainant approached CGR Forum in Schedule 'A' format on 2/2/2010 and prayed for waiver of D.P. & Interest charges, suitable monthly installments for payment & slab wise benefit.

In counter Respondent. BEST Undertaking has submitted its contention *inter alia* as under

4. Initially complainant made complaint on dtd. 15/4/2009 against receiving high bill of Rs.11,000/- in the month of Aug-2008 for consumption of 2379 units during the period April 2008 to Aug 2008. Complainant had stated that during the period of April to Aug 2008 she has not been charged for the units consumed by her. So she requested to charge 5 months bill slabwise as she was not able to pay such a huge amount.
5. Pursuant to her complaint dtd. 15/4/2009 her meter bearing no. B012670 was tested on site in her absence as the premises were found locked. Her meter was tested on Accu check on 17/4/2009 & was found 5.7% fast. Said meter was replaced by a meter no. D084655 on 18/6/2009.
6. As per procedure, calculations were carried out for a period of 3 months prior to the date of replacement of meter i.e. 18/6/2009 & net credit difference of Rs.963.17 was worked out & informed to the consumer. However consumer was not satisfied with the reply & approached the IGR Cell regarding high bill.
7. In response to the complainant's complaint in Annexure 'C' dtd. 8/10/2009 for high bill interim reply dtd. 5/11/2009 was sent. Further reply dt. 2/12/2009 was sent to her informing that credit of Rs.963.17 will be given to her for fast meter & the said meter was sent for lab testing. The slab benefit of 5 months (April 2008 to Aug 2008) was given to her in the bill itself by EDP Dept for the period for which billing was not made. She was further informed to collect the adjusted electricity bill from us & pay outstanding bill at the earliest. However, she did not turn up to settle the bill.
8. In response to the complainant's complaint in CGRF the Nodal officer called representative of complainant in his office on 3/3/2010 in order to settle the case amicably. During her visit she requested the Nodal officer to carry out lab testing of meter no. B0126170. Accordingly on 17/03/2010, Meter No.B012670 was tested in presence of consumer's representative in BEST laboratory. The meter was found OK. The copy of the test report was issued to the representative of the consumer. The working of the electricity bill was explained to the said representative in presence of the Nodal Officer on 18/03/2010. Thereafter the said representative agreed in writing before the Nodal Officer that she is ready to pay the outstanding bill of Rs.47382 subject to waiver of D.P. & interest charges & installment of Rs.10000/- per month. She also assured that she will pay the current bill regularly.
9. After obtaining Management's approval, a letter dtd.22/04/2010 was sent to the complainant to pay on account of Rs.11751/- (ie.Rs. 10000/-as installment + Rs.1751/-as current month's bill upto 11/03/2010) by 26/04/2010. Out of the outstanding amount of Rs.47,382/-D.P.charges & interest of Rs.2648.59 of old disputed meter was waived. However the consumer did not pay the installment amount as agreed before the Nodal Officer & decided to approach CGRF again. In order to recover the outstanding amount notice is served to the consumer under section 56(1) of Electricity Act, 2003 on 6/05/2010.

REASONS

10. We have heard the complainant Smt.Kamla.S.Gala & Shri.Dheer.S.Gala in person and representatives Shri. D.R.Ohol, DECC(F/N) & Shri. R.P.Gathe, AOCC (F/N) for respondent BEST Undertaking. Perused papers.
11. The controversy to be resolved in the instant mater, moves in a very narrow compass. The complainant *inter alia* contends that she received a negligible bill from April 2008 to July 2008. However in the month of August 2008, she received a bill of

Rs.11,000/- . Thereafter the complainant started receiving bill on higher side hence the instant complaint has been filed with a prayer for i) Waiving D.P. and interest charges, ii) For giving suitable monthly installment, and iii) Giving benefit of slab.

12. We find that as contended by respondent BEST Undertaking she was not charged for the month of April to July 2008 therefore she received an accumulated bill of electricity charges of Rs.11,000/-.
13. The respondent BEST Undertaking further contend that it received a written complaint from the consumer complainant on 15/4/2009 in respect of receiving bills with high electricity charges. The respondent BEST Undertaking therefore checked the meter of the complainant consumer at site on 17/4/2009 to find the said meter no. B012670 being 5.17% fast. Therefore the said meter was replaced with a meter no. D084655 on 18/6/2009.
14. We find it significant to observe that the meter no. B012670 against which the complainant consumer had complained, was subsequently tested in the laboratory by the respondent BEST Undertaking on 17/3/2010, in the presence of the complainant to find the said meter being 'correct in accuracy test'. We therefore find that initially the complainant has received the electricity bill charges on higher side, due to the accumulation of the electricity consumption units. We further observe that the electric meter provided to the complainant subsequently found to be giving correct reading of electricity consumed in a laboratory test. As such we do not find any merit in the contention raised by the complainant about receiving the electricity consumption charges on higher side.
15. However, we observe that there has been a lapse on the part of respondent BEST Undertaking in not recording the consumption of electricity by the complainant consumer for the month of April, May, June & July 2008. We find that the electricity bill placed on file at page 11 by the complainant shows consumption of 2379 units till 6th Aug, 2008, for which the charge payable has been shown as Rs.11,151/-. The explanation that the meter reading folio, was not available, submitted by the respondent BEST Undertaking, does not found to be justified and acceptable by this Forum.
16. We further observe a lapse on the part of the respondent BEST Undertaking that on checking the meter no. B012670 at site the same was found 5.71% fast. However, when the same was checked in the laboratory on 17/3/2010 in presence of the complainant consumer, the same was found 'correct in accuracy test'. We therefore find a justification being available to complainant consumer to get the prayer granted from this Forum in respect of waiver of D.P and interest amount on the unpaid electricity charges, with a suitable monthly installment and getting the slabwise benefit.
17. We may at this juncture observe that before the nodal officer a compromise was reached between the litigating parties and the same was however confined to the 'arrear amount'. We may observe at this juncture that in the current bill also respondent BEST Undertaking has been demanding the unpaid charges of the electricity accumulated in the month of April 2008. We therefore hold that the aforesaid benefits are liable to be extended to the complainant till the latest date of electricity charges payable by her.
18. In the aforesaid observations and discussion we hold the complainant being entitled to get all her prayer to be granted from this Forum. Accordingly we do so.

ORDER

1. The complaint no. N-F(N)-93-2010 dt . 5/2/2010 stands allowed.
2. The respondent BEST Undertaking has been directed to waive the delayed payment charges and interest charges and to extend slab benefits on the arrears of the electricity charges payable by the complainant consumer.
3. The respondent BEST Undertaking has been further directed to allow the complainant to pay the entire arrears of electricity charges in 6 monthly installments.
4. The compliance of this order be informed to this Forum by the respondent within a period of fortnight from the date information of 'payments of installments' communicated to the complainant consumer.
5. Copies be given to both the parties.

(Smt. Varsha V. Raut)
Member

(Shri.S.P.Goswami)
Member

(Shri. R.U. Ingule)
Chairman