

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-EA-71-09 dt . 24/04/2009

M/s. Ulas Oil & Chemical Ind. Pvt Ltd,Complainant

V/S

B.E.S. & T. UndertakingRespondent

Present

Quorum 1. Shri. S. P. Goswami, Ag. Chairman
2. Smt. Vanmala Manjure, Member

On behalf of the Complainant 1. Shri. Sandip Shiveshwarkar

On behalf of the Respondent 1. Shri. D.N.Pawar, DEEA
2. Shri. B.G. Gaikwad, AEEA

Date of Hearing: 12/05/2009

Judgment by Shri. S.P. Goswami, Ag.Chairman

M/s. Ulas Oil & Chemical Ind. Pvt. Ltd, 2nd floor, BMP Building, N.A. Sawant Marg, Colaba, Mumbai – 400 005. has come before this Forum for grievance regarding wrongly claimed an amount of Rs.42,739.11 by BEST Undertaking.

Brief history of the case

- 1.0 Complainant M/s. Ulas Oil & Chemical Ind. Pvt. Ltd, 2nd floor, BMP Building, N.A. Sawant Marg, Colaba, Mumbai – 400 005 having A/c no. 100-013-133*0 said that Energy Audit dept wrongly claimed amount of Rs.42,739.11/- by stating that complainant's meter was slow by 17.3%.
- 2.0 Complainant states the testing of the meter was not done in their presence.
- 3.0 During site testing of the meter on 9/6/2000, complainant's meter was found 16.66% slow. However, complainant refused to come to meter room to witness the test, in spite of request made by respondent staff.
- 4.0 Meter was again tested on 16/6/2000 in presence of complainant's representative Shri. Sandip, meter was found 17.3% slow. Complainant also noted the result of testing. Shri. Sandip further informed that he is interested in official testing of meter in our standard lab and agreed to pay the charges for it.
- 5.0 Meter No. P 960042 found 32.68% slow in official test.
- 6.0 As per respondent in order to charge the under billed units due to defective meter, complainant bills were amended for the period 1/7/1999 (date of drop in consumption) to 20/06/2000 (date of replacement) on the basis of correction factor 1.49 based on % slowness of meter and new debit of Rs.70,767.97 was informed to the complainant.
- 7.0 Respondent states that in order to recover the partial claim amount the amendment period is revised for 6 months from 21/12/1999 to 20/6/2000 and the revised claim amount of Rs.42,739.11 was informed to the consumer vide respondent's letter dtd, 6/10/2008 and debited the same in complainant's A/c no. 100-013-133 in the month of November, 2008.
- 8.0 The Complainant disputed the same & registered the complaint in Annexure 'C' form on 28/02/2009. The BEST replied to Annexure 'C' form on 20/03/2009.
- 9.0 Unsatisfied by the reply of licensee the complainant approached CGR Forum in schedule 'A' Format on 23/04/2009.

Consumer in his application and during Hearing stated the following

- 1.0 Complainant M/s. Ulas Oil & Chemical Ind. Pvt. Ltd, 2nd floor, BMP Building, N.A. Sawant Marg, Colaba, Mumbai – 400 005 having A/c no. 100-013-133*0.
- 2.0 Complainant said that Energy Audit dept wrongly claimed amount of Rs.42,739.11/- by stating that complainant's meter was slow by 17.3%.

- 3.0 Complainant states the testing of the meter was not done in their presence.
- 4.0 Complainant said that he is confident that the meter was not slow at all and asked Forum to look in this matter and rectify the same.
- 5.0 Complainant prayed to Forum that he want the entire amount to be credited back to him as the meter was not slow at all.
- 6.0 At the time of hearing complainant's representative states that at the time of testing of meter No. P960042 on 9/6/2000 nobody was present from their side.
- 7.0 At the time of testing of the same meter on 16/6/2000, complainant's representative was present, but he was a layman and did not know about procedure of meter testing. If respondent would have intimated to complainant regarding meter testing then complainant would have arrange an expert for meter testing.
- 8.0 Complainant's representative states that at the time of OT test of the meter on 3/10/2000 nobody was present on their side.
- 9.0 Complainant's representative states that the calculation worked out by respondent is not shown to him yet.
- 10.0 Complainant's representative shown the rise in meter reading units in the ledger folio submitted by respondent.
- 11.0 Complainant's representative requested forum that respondent should not charge the claim amount of Rs.42,739.11/- as the meter was not slow.

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

1. M/s. Ulhas Oil & Chemical Ind.(P) Ltd., Bharat Metal Bldg., Victoria Bunder Road, Colaba, Mumbai-400 005 vide his application in schedule 'A' dated 24/4/2009 has requested for redressal of grievance as regards wrongly claimed amount of Rs.42,739.11 by BEST Undertaking for his A/c No. 100-0130133 and meter No.P960042.
2. During site testing on 9/6/2000, complainant's meter was found 16.66% slow. However, complainant refused to come to meter room to witness the test, in spite of request made by our staff. Complainant was informed about testing result vide our letter No.EA/Site testing/99 dtd. 9/6/2000.
3. Vide letter No.UO/SPS/RP/2001/0601 dtd. 9/6/2000, complainant disputed that, meter was not tested in his presence and requested for testing the meter in presence of his representative. Accordingly appointment with Shri. Avsare (Complainant's representative) was fixed on 16/6/2000 for testing of meter.

4. Meter was tested on 16/6/2000 in presence of complainant's representative Shri. Sandip, meter was found 17.3% slow. Complainant also noted the result of testing. Shri. Sandip further informed that he is interested in official testing meter in our standard lab and agreed to pay the charges for it. Complainant was informed vide our letter EA/Site testing/Defect/99 dtd. 20/6/2000 regarding site testing results.
5. Since, complainant was not satisfied with site testing results and requested for official testing, meter No. 960042 was replaced by new meter No. P 97 1051 on 20/6/2000. The old meter No.P 960002 was sent for official testing on 13/7/2000.
6. Meter No. P 960042 found 32.68% slow in official test.
7. In order to charge the under billed units due to defective meter, complainant bills were amended for the period 1/7/1999 (date of drop in consumption) to 20/06/2000 (date of replacement) on the basis of correction factor 1.49 based on % slowness of meter and new debit of Rs.70,767.97 was informed to the complainant vide our letter dtd. 21/10/2005. However, there was no response from the complainant.
8. Further the reminder was forwarded to complainant vide our letters dated 23.5.2006. However, complainant did not respond to reminder till date.
9. Thereafter in order to recover the partial claim amount the amendment period is revised for 6 months from 21/12/1999 to 20/6/2000 and the revised claim amount of Rs.42,739.11 was informed to the consumer vide our letter dtd, 6/10/2008 and debited the same in complainant's A/c no. 100-013-133 in the month of November, 2008.
10. Complainant disputed the same and registered the complaint in the Annexure 'C' form dated 28/2/2009.
11. Reply to Annexure 'C' form forwarded vide our letter dtd. 20/3/2009.
12. The complainant is not satisfied and registered complainant in Annexure 'A' form dtd 23/4/2009.
13. The complainant has not submitted his complaint in Annexure 'A' in parawise format. Our comments with regards to various points raised by the complainant are as follows:-
 - 13.1 complainant's meter No. P 960042 was tested twice at site in the presence of complainant i.e. 9/6/2000. On 9/6/2000, complainant refused to witness the testing results. Hence, same was again tested in presence of complainant's representative Shri. Sandip on 16/6/2000. Meter found 17.3% slow and same was informed to complainant's representative. Meter No.P950042 was replaced by new meter No. P971051 and meter No. P 960042 was sent to O.T., where same found 32.68% slow. Amendment bill for the period 1/7/1999 to 20/6/2000 was sent to complainant vide letter dtd. 21/10/2005. This claim was further revised by our In-House Review

Committee and duly approved by management. Same was informed to complainant.

- 13.2 Complainant disputed the claim vide his letter dtd. 5/1/2009. Reply was sent to this letter vide our letter dtd. 9/2/2009. In the meantime, wherever complainant visited the office, matter was explained to him regarding amendment claim.
- 13.3 On 20/2/2009, complainant sent us a letter disputing the claim alongwith calculation done by him. While going through these calculations, it is observed that complainant has worked out the amendment based on site test results and not as per the official test results. This fact was brought to his notice in our letter dtd. 4/3/2009 which was not accepted by complainant. Subsequently, complainant complained in 'C' form dtd. 28/2/2009, and reply to it was given vide our letter dtd. 20/3/2009.
14. The site testing was done on 9/6/2000 and 16/6/2000. The complainant was present to witness site testing on 16/6/2000. The official test of the meter was done on 13/7/2000 as per complainant's request. On that basis BEST has issued the initial amendment bill dtd. 21/10/2005 based on % slowness of meter duly tested in our lab. The complainant was well aware of amendment claim as his representative witnessed the site test on 16/6/2000 and has signed on report form at that time. His representative has also signed on meter replacement form on 26/6/2000.
15. The official testing was carried out as per complainant's request only. It has been observed from consumption pattern of new meter No. P971051 that there is a rise in consumption. Rise in consumption is about 30% which is more or less comparable with official test result. Please refer ledger position. Therefore, it is not correct to say that complainant was not aware of testing results and amendment claim.
16. The bills issued by the BEST are to be treated as correct since they are based on testing result in our lab. Our laboratory is acknowledged as standard laboratory by various renowned firms are approaching us for testing their meters. Therefore, Hon'ble Forum is requested to direct M/s. Ulhas Oil & Chemical. Ind. Pvt. Ltd. to pay entire revised claim amount of Rs.42,739.11 and settle the amendment bills.
17. The complainant shall not be allowed to produce any more evidences before the Forum during the hearing of the case without giving us an opportunity to offer out comments.
18. At the time of hearing respondent state that at the time of testing meter on 9/6/2000 respondent staff requested complainant to come down for testing but complainant simply refused.
19. Respondent state that at the time of OT testing of meter complainant's representative was present but record of the same is not available.
20. Respondent state that query raised by complainant regarding testing error of 16.66%, 17.3% & 32.68 slow is due to site condition & load available.

21. Respondent also shown fall in the meter reading after replacement of old meter in the ledger folio.
22. Respondent said to the forum that the calculations of claim amount Rs.42,739.11/- are correct and requested to direct complainant to pay entire claim amount of Rs.42,739.11/-.

Observations

1. During site testing of the meter on 9/6/2000, complainant's meter P960042 was found 16.66% slow. However, complainant refused to come to meter room to witness the test, in spite of request made by respondent.
2. Meter was again tested on 16/6/2000 in presence of complainant's representative & meter was found 17.3% slow. Complainant also noted the result of testing. Complainant further informed that he is interested in official testing of meter in respondent's standard lab and agreed to pay the charges for it.
3. Complainant stated that at the time of official testing of the meter on 3/10/2000 nobody was present from his side. However, the respondent has produced the record of complainant's representative being present at the time of official testing. Meter No. P 960042 found 32.68% slow in official test.
4. Due to defective meter, complainant bills were amended by respondent for the period 1/7/1999 (date of drop in consumption) to 20/06/2000 (date of replacement) on the basis of slowness of meter and debit of Rs.70,767.97 was informed to the complainant.
5. Subsequently, the claim amount was revised by respondent for 6 months from 21/12/1999 to 20/6/2000 and the revised claim amount of Rs.42,739.11 was informed to the complainant on 6/10/2008.
6. Forum is of the opinion that the provision in Maharashtra Electricity Regulatory Commission (Electricity Supply Code & Other conditions of supply) Regulations, 2005 clause 15.4 might have considered while making claim.

ORDER

1. Respondent is directed to amend the claim for a period of 3 months prior to July 1999 on the basis of official test results, waiving the D.P. & Interest charged.
2. Copies be given to both the parties.

(Shri. S. P.Goswami)
Ag. Chairman

(Smt.Vanmala Manjure)
Member