

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-EA-184-2013 dtd. 11/02/2013

Mr. Yogesh PandeyComplainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Quorum : Chairman
Shri R U Ingule, Chairman

Member
1. Shri M P Thakkar, Member
2. Shri S M Mohite, Member

On behalf of the Complainant : 1. Shri Yogesh Pandey

On behalf of the Respondent 1. Smt. Madhuri B. Ugale, AEEA-5
2. Shri U.D. Junnare, AOEA-I

Date of Hearing : 06/03/2013

Date of Order : 09/04/2013

Judgment by Shri. R.U. Ingule, Chairman

Mr. Yogesh Vijay Panday, 302/A, Mahavir Darshan Bldg., Off Savita Ji Lane, G.K. Marg, Lower Parel, Mumbai - 400 013 has come before the Forum for grievance amount Rs. 25,512.00 debited in monthly bill of November 2012 pertaining to A/c no. 200-006-511*8.

Complainant has submitted in brief as under :

1.0 The complainant has approached to IGR Cell on 10.10.2012 for grievance regarding amount Rs. 25,512.00 debited in monthly bill of November 2012 pertaining to A/c no. 200-006-511*8. The complainant has approached to CGRF in schedule 'A' dtd. 7.2.2013 as no remedy is provided by the Distribution Licensee regarding his grievance. The complainant has requested the Forum to revise the said amount as per low consumption and give him facility to pay in six installments.

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

- 2.0 Meter no. P021589(old) installed on dtd. 17.12.2004 at premises i.e. Grd. Shop, 42/1/1/Gandhi Nagar, D.S. Marg, Worli, Mumbai-400 013 found meter No display / No MRI i.e. stopped meter at the time of inspection on 16.2.2010.
- 3.0 The defective meter no. P021589 was replaced on 25.2.2010 by meter no.P082381 under intimation to consumer's representative. It is observed from the ledger that consumer is correctly billed till 1.11.2009 (i.e. date of reading). The consumer was billed for the period from 1.11.2009 to 21.12.2009 based on the average consumption of 1317 units by considering base period 1.11.2008 to 1.11.2009. Amendment is worked out for unbilled period of 1.11.2009 to 21.12.2009, resulting in debit amount of Rs.16,463.07.
- 4.0 Meter no.P021589(old) was removed on 21.12.2009 for non payment of electricity charges and same meter was reinstalled on 10.2.2010. As per ledger the consumer was not charged for Dec.2009 to Feb.2010. In the month of March 2010, the consumer was charged 979 units.
- 5.0 Further, as per site test report on 20.7.2011, it is found that at above premises there was no industrial activity and meter was in use for commercial purpose. Amendment is worked out for the period from 10.2.2010 to 25.2.2010. Industrial tariff for meter no.P082381(new) changed to Commercial tariff from April 2010 onwards.
- 6.0 The amount of Rs. 25,512.10 (Rs. 16,463.07 towards stopped meter amendment and Rs. 9,049.03 towards tariff difference between commercial and industrial tariff) was debited in monthly bill of November 2012 after giving intimation to the consumer vide letter dtd. 06/09/2012. In view of above, the amount debited is correct.

REASONS

- 7.0 We have heard the complainant in person and for the Respondent BEST Undertaking Smt. Madhuri B. Ugale, AEEA-5, Shri U.D. Junnare, AOEA-I. Perused documents placed on file.
- 8.0 The electricity bill for the month of November 2012 served on the complainant has triggered of the controversy to be resolved in the instant complaint. The complainant vehemently submitted that the Respondent BEST Undertaking has erroneously shown

the adjustment amount of Rs. 25,500.10 in the said bill to be paid by the complainant. To buttress his contention, the complainant further argued that he has been paying the electricity bill on its due date and as such he has been unjustifiedly burdened with this amount by the Respondent BEST Undertaking.

- 9.0 This Forum on perusing the documents placed on file, finds no merit in the contention raised by the complainant. We find that the Respondent BEST Undertaking has placed before us on file the details of the debited amount of Rs. 25,500.10 in the electricity bill served on the complainant for the month of November 2012. In its written statement placed before this Forum, therein we find that the Respondent BEST Undertaking has charged the complainant for an amount of Rs. 16,463.07 for the reason that the meter no. P021589 installed in the premises of the complainant was found *stopped* for a period from 01/11/2009 to 21/12/2009. In this connexion, this Forum observes that as per the contention of the Respondent BEST Undertaking the complainant was billed correctly till 01/11/2009. This Forum accordingly finds a merit in the contention of the Respondent BEST Undertaking on perusing the copy of the Ledger Folio placed on file, wherein after November 2009, we do not find any consumption of unit being mentioned in the said ledger.
- 10.0 The Respondent BEST Undertaking has further submitted that during the inspection of the meter no. P021589 on 16/02/2010, the said meter was found 'stopped'. Accordingly this Forum finds the Energy Audit Department's site testing report dtd. 16/02/2010 mentioning the said meter was displaying no consumption of unit. Along with it we find the energy meter inspection report of the same date duly counter signed by the representative of the complainant, mentioning the said meter was having 'no display'. We may mention at this juncture that the said meter was replaced on 25/02/2010 with a new meter no. P082381. Accordingly, we find Energy Audit Department's report dtd. 25/02/2010 duly counter signed by the representative of the complainant placed on file at Exhibit 'B'.
- 11.0 As per the contention of the Respondent BEST Undertaking, the said meter was stopped recording consumption during a period from 01/11/2009 to 21/12/2009. This Forum has already observed the merit in the said contention on perusing a Ledger Folio placed on file for the said period. It was stopped till 21/12/2009 as the said meter was removed by the Respondent BEST Undertaking for non payment of electricity bill. We observe that for charging the complainant for a period during which the meter no. P021589 was found to be stopped, the Respondent BEST Undertaking has taken a recourse to take the average of preceding 12 months' consumption of unit recorded by the said meter. Accordingly, this Forum finds the table of these units recorded by the said meter and the average calculated by the Respondent BEST Undertaking, placed on file before us at Exhibit 'C'.
- 12.0 We therefore uphold the contention raised by the Respondent BEST Undertaking that during the period wherein the said meter was stopped recording unit, consumption of chargeable units has been 2195. Accordingly, we find the details of the said working placed before us at Exhibit 'C'. Accordingly, the Respondent BEST Undertaking has worked out an amount of Rs. 16,463.07 payable by the complainant during a period from 01/11/2009 to 21/12/2009 wherein the meter could not record any consumption being 'stopped'. Accordingly, we find the details of the said amount of Rs. 16,463.07 at Exhibit 'C' and the same can not be faulted with.

- 13.0 This Forum further finds that the Respondent BEST Undertaking has charged the complainant for an amount of Rs. 9,049.03 on ground that the complainant was charged with an industrial tariff instead of commercial. This amount has been for a period from 10/02/2010 to 25/02/2010 wherein the Respondent BEST Undertaking found the complainant using the electricity for commercial purpose instead of industrial. In this context, we found that the meter no. P021589 was reinstalled on 10/02/2010, as prior to it was removed for non payment of the charges. The said meter no. P021589 was later on replaced on 25/02/2010 with new meter no. P082381 as the erstwhile meter was found to be stopped one. To reiterate we find the said report dtd. 25/02/2010 counter signed by the representative of the complainant, placed before this Forum at Exhibit 'B'. This Forum also finds site test report dtd. 16/02/2010 reporting that the meter no. P021589 was used for commercial purpose and no industrial activities were started on this meter. Accordingly, we find the said site testing report placed before us at Exhibit 'A'.
- 14.0 This Forum thus finds that during a period from 10/02/2010 to 25/02/2010 the meter no. P021589 was used for commercial purpose instead of industrial. The Respondent BEST Undertaking has placed on file before us at Exhibit 'C-1' the details of the amount of Rs. 16,408.12 chargeable for the commercial use. The Respondent BEST Undertaking has also placed before us the details of the amount of Rs. 7,359.09 chargeable for the industrial use which has been already paid by the consumer. The details of this amount has been placed on file before us at Exhibit 'C-2'. This Forum therefore finds that the Respondent BEST Undertaking has rightly debited the account of the complainant by Rs. 16,408.12 and gave credit to him for Rs. 7,359.09. Thereafter this debit and credit amount has been rightly shown in the electricity bill for the November 2012 served on the complainant and placed on file before us by the complainant at pg. 220.
- 15.0 This Forum on perusing the documents placed on file by the Respondent BEST Undertaking thus comes to a conclusion that the complainant has been rightly charged for a period from 01/11/2009 to 21/12/2009 and further rightly charged for Rs. 9,049.03 as a difference in commercial and industrial tariff for a period from 10/02/2010 to 25/02/2010. Thus we find the complainant being rightly debited by the Respondent BEST Undertaking for total amount of Rs. 25,512.10. As such we do not find any merit in the complaint preferred before this Forum and the same is therefor liable to be dismissed. Accordingly, we do so.

ORDER

1. The complaint no. N-EA-184-2013 stands dismissed.
2. Copies be given to both the parties.

(Shri S M Mohite)
Member

(Shri M P Thakkar)
Member

(Shri R U Ingule)
Chairman