

order file

		Date	Month	Year
1	Date of Receipt	01	07	2022
2	Date of Registration	01	07	2022
3	Decided on	29	08	2022
4	Duration of proceeding	59 days		
5	Delay, if any.	—		

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. 22799528

Grievance No. A-459-2022 dtd. 01/07/2022

- 1) Mrs. Gool S. Bhabha
- 2) Mr. Kaizad S. Bhabha
- 3) Ms. Tanaz Selvin

.....Complainants

V/S

B.E.S.&T. Undertaking

.....Respondent

Present

Chairman

Coram :

Shri S.A. Quazi, Chairman

Member

1. Smt. Anagha A. Acharekar, Independent Member
2. Shri S.S. Bansode, Technical Member

On behalf of the Complainant : (1) Mr. Kaizad S. Bhabha and (2) Ms. Tanaz Selvin


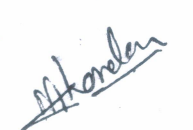
On behalf of the Respondent : Shri D.N. Pawar, DECC(A)

Date of Hearing : 11/08/2022

Date of Order : 29/08/2022




(Milind Karanjkar)
Secretary
CGRF BEST



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Judgment

- 1.0 The complainant has grievance about high billing in respect of billing period from April 2020 to July 2020.
- 2.0 The following facts can be said to be not in dispute.
- a) The Respondent has been supplying the electrical energy to the premises having address as 7, floor-3, plot-51, Prince Court, Boman Kawasji Behram Marg, Colaba, Mumbai - 400 001. There are three consumer names of this premises namely (1) Mrs. Gool S. Bhabha, (2) Mr. Kaizad S. Bhabha and (3) Ms. Tanaz Selvin and it is under consumer a/c no. 296-097-005. The supply was through meter bearing No. N178662, installed at the premises of the complainants.
- b) The complainant was charged in the billing month of March 2020 for consumption of 665 units of electricity. It was paid by the complainants. Then from 20th March 2020, the government had announced lockdown to be observed by the public due to spread of Covid-19 epidemic and hence MERC had directed to all the licensees, including the respondent, to give average bills based on previous months' consumption and without taking actual readings from meter site. This was continued for some period. Hence, for the billing months from April 2020 to June 2020, the bills were given by the Respondent in respect of the aforesaid premises for consumption of 665 units for each of these months.
- c) Then in the billing month of July 2020, the respondent modified the aforesaid bills for the months of April 2020, May 2020 and June 2020. This time the respondent charged for the billing months of April 2020, May 2020 and June 2020 for consumption of 1548, 1815 and 1548 units respectively by adjusting the earlier paid bills for these months. Thus the respondent charged the amount in addition to the earlier bills given to the complainants, as per which bills the complainants had already paid. For the billing month of July 2020 the respondent has charged for consumption of 1495 units of electricity.
- 3.0 The case of the complainant may be stated as under:
- a) It is true that since actual meter reading could not be taken for the billing months from April 2020 to June 2020, the bills were given by the Respondent in respect of the aforesaid premises for consumption of 665 units for each of these months i.e. totally for 1995 units. In the months of July 2020 the units were recalculated and rebilling was done for 6406 unit for these months of April, May and June 2020. This resulted into a charge of Rs. 36,121.63 total adjustment amount in the bill for July 2020 dt. 10th July 2020. It is understandable that the units were recalculated based on a formula that was applied to all consumer of the respondent. However, the billing done as such for these months is abnormally on high side. In support of this contention, the



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complainant has requested to take into consideration the consumption pattern during the corresponding periods in the years 2019 and 2021 with the consumption pattern of the disputed period of April, to July of the year 2020. It is submitted that in April, May, June and July 2019, the consumption was recorded as 733, 975, 1142 and 1083 units respectively. Similarly, in April, May, June and July 2021, the consumption was recorded as 609, 860, 902 and 887 units respectively. However, in April, May, June and July 2020, the consumption was allegedly recorded respectively, as 1548, 1815, 1548 and 1495 units. The consumption pattern for these months of 2020 i.e. disputed period is much higher than that of the aforesaid corresponding period of the years 2019 and 2021.

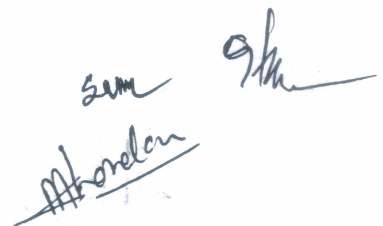
- b) The complainants submit that the total units for April 2020 to July 2020 were billed as 6406 units allegedly on actual reading taken in July 2020. According to the complainants this was done on a formula that was applied across board to all the consumers. It is submitted further that this is a one-size-fits-all approach, which in this case needs to be modified. According to the complainants they are being victimized with this financial burden.
- c) It is submitted that the respondent's contention that it's officials have checked the meter and found it to be accurate; is not acceptable to the complainants. According to them, something is wrong with the meter reading, due to which the consumptions during the above period was recorded on higher side. Therefore the complainants have submitted that the complaint be allowed and the Respondent be directed to reduce the electricity bills for the billing months from April 2020 to July 2020 in the line of the consumption pattern of the corresponding period from April 2019 to July 2019 and from April 2021 to July 2021.

4.0 The Respondent has filed its reply and opposed the instant grievance application of the complainants. Respondent's case, as stated in their reply and as submitted by their representative, may be stated as under:

- a) According to the Respondent, the instant complaint of the complainant is about the alleged high bill amount due to estimated reading during covid-19 pandemic and later "actual consumption" bill charged to the consumer in the month of July 2020.
- b) The complainants, vide their letter dt.19.07.2020, had complained to the respondent that they received wrongful, unwarranted and escalated bill for the month of July 2020 for Rs. 52,476.22. In the said letter they alleged that the meter was defective and therefore they requested for replacement of the meter. They also alleged that they were not liable for making payment of Rs. 52,476.22 as they had been billed excessively. On receipt of such complaint dt.19.07.2020 from the complainants, the respondent's officials tested the meter No. N178662 installed at the premises of the complainant on 23.07.2020 in presence of the complainant at the site. They found the meter being accurate. The test report in this regard is produced by the respondent




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with its reply as Exh. C. The connected load of the premises was found to be about 13.28 kw.

- c) Thereafter, the complainants again made a complaint of high bill on 13.04.2022. The respondent gave reply to it on 20.05.2022 and denied the allegations about high billing during the aforesaid period. The respondent also forwarded estimated bill calculation report to the complainants for the lockdown period.
- d) According to the respondent, the allegations made about high billing etc. in the instant grievance application before this Forum are false and are denied by this respondent. According to the respondent from April 2020 June 2020 the billing was done without taking actual reading and during this period the billing was done on estimation based on the consumption recorded by the meter in the month before the billing month of April 2020 i.e. 665 units. The actual reading was taken from the meter only in the month of July which was 29921 and the difference between the last reading i.e. the actual reading of March 2020, which was 23515 and the actual reading of July 2020 was calculated to be 6406 units ($29921 - 23515 = 6406$). It implies that the complainant's consumption during the months of March, April, and May 2020 was 6406 as against the 1995 units charged vide bills of March, April and May 2020 in their respective billing months of April, May and June 2020. Since the complainants were undercharged as above, the amount of Rs. 36,121.63 was charged for the aforesaid uncharged units of 4411 in the bill of billing month July 2020.
- e) It is further submitted by the respondent that during the investigation of the high bill complaints of the complainants, it was also revealed that the complainants are using high load electric appliances, viz. 4 Air Conditioners of 1.5 Ton each, 1 Refrigerator, 1 Microwave, 1 water purifier, 1 Washing Machine, 2 Geysers apart from 8 tube lights, 2 bulbs and 4 fan. It is generally observed that during the lockdown period almost all the private sector employees were doing their office works from home. This was also peak period of summer during April to July 2020. In such circumstances if consumption during this period was recorded higher than the corresponding period of other years, then it cannot be considered as abnormally on higher side, as alleged by the complainants.

For all the aforesaid reasons the respondent has urged to dismiss the instant grievance application.

- 5.0 We have heard the submissions of both the parties and noted their submissions as above. In view of the above submissions of the parties and case pleaded by them, the following points arise for determination, on which we record our findings as under, for the reasons to follow.



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Sr. No.	Points for determination	Findings
1	Whether the demand made by the Respondent to the complainants to pay the bills for consumption of electricity from billing month April 2020 to July 2020 on actual reading taken in July 2020, is correct?	In affirmative
2	Whether the complainants are entitled to get the meter checked and if the meter is found faulty in such test then to request for modification of bills?	The complainants are entitled to get the meter checked and if the meter is found faulty in such test then to request for modification of bills if necessary.
3	What order should be passed?	The complaint will have to be dismissed as far as prayer for reducing the bills and liberty will have to be given to the complainants to get the meter checked and if the meter is found faulty in such test then to request to the respondent for modification of bills if necessary. Accordingly the grievance application is being disposed off in the terms as are being indicated in the operative order, being passed herein below.

6.0 We record reasons, for the aforesaid findings recorded on point no. 1 to 3, as under:

- a) It may be noted that from the record of the pleadings and the documents produced by the parties before this Forum, it may be said that the system practiced by the respondent is that billing is done in the next month of the month in which electricity is actually consumed by the consumer. For example if electricity is consumed in the month of January, the reading of consumption of electricity is taken at the end of the consumption month or on the starting days of the billing month i.e. the month next to the consumption month. Thus if consumption month is January the billing would be done in the month of February.
- b) In the instant case for the consumption of electricity from the month of February 2020 to 04.03.2020 reading must have been taken on or about 04.03.2020. The copy of record produced by the respondent shows that at that time reading of the meter was 23515. Taking it in to consideration the consumption in the month of Feb. 2020 was calculated at 665 units and for these units the respondent gave bill in the billing month of March 2020, which, admittedly, the complainants have paid.



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- c) Then from 20th March 2020, the government had announced lockdown to be observed by the public due to spread of Covid-19 epidemic and hence MERC had directed to all the licensees, including the respondent, to give average bills based on previous months' consumption and without taking actual readings from meter site. This was continued for some period. Hence, for the billing months from April 2020 to June 2020, the bills were given by the Respondent in respect of the aforesaid premises for consumption of 665 units for each of these months, based on the previous billing month i.e. based on billing month of March 2020, as noted herein earlier.
- d) The respondent has produced copy of Re-estimated Bill Calculation Report for the lock down period. It shows that after the reading taken on or about 04.03.2020 for the billing month of March 2020 as 23515 for the first time when actual reading was taken on or about 02.07.2020 for and in the billing month of July 2020, the reading taken from the meter was 29921. Therefore, it was assumed that for the period from 04.03.2020 to 02.07.2020 the electricity actually consumed by the complainants was 6406 units (i.e. $29921 - 23515 = 6406$). The aforesaid period from 04.03.2020 to 02.07.2020 includes the period of billing months from April 2020 to June 2020. The respondent appears to have recalculated the bills for these billing months on the basis of the actual reading taken on or about 02.07.2020 as 29921 minus previous reading taken on or about 04.03.2020 as 23515 then charged the complainant accordingly by adjusting earlier payments of the earlier estimated bills. The recalculated bills as such are more than the earlier given estimated bills of April, May and July 2020 and, therefore, the respondent has demanded the complainants to pay the additional charges.
- e) According to the complainants the re-estimated/recalculated bills of April, May and June 2020 as well as the bill for the billing month of July 2020 are not in the line of the bills of corresponding billing-months of April, May, June and July of the years of 2019 and 2021. Therefore, the complainants think that the recalculated bills of billing months of April, May and July 2020 and also the bill for the billing month of July 2020 are on higher side.
- f) According to the respondent, actually during these billing months from April 2020 to June 2020, the billing was not done on actual reading of meter about the consumption, but it was done on the estimated reading during covid-19 pandemic and later "actual consumption" bill was charged to the consumer in the month of July 2020.
- h) The aforesaid contentions of the respondent seem to be correct in view that it is not disputed that due to spread of covid-19 epidemic, Government had declared lockdown to be observed from 20.03.2020 by the public at large. It is also not disputed that in view of such proclamation of the Government, the Maharashtra Electricity Regulatory Commission (MERC) had suspended the activity of actual meter reading from the sites of the consumers from the billing month of April 2020 and had directed to do the billing on estimation based on consumption of electricity recorded in the previous



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billing month i.e. billing month of March 2020. As noted above, in the instant case, in the billing month of March 2020 the consumption was recorded as 665 units on the basis of actual reading taken at that time as 23515. Therefore, as per the aforesaid directions of the MERC, for each of the billing months of April, May and June 2020 the billing was done for consumption of 665 units on estimation based on consumption recorded for the billing month of March 2020. Hence the respondent was entitled to do re-billing based on the actual reading, for the billing months of April, May and June 2020 which was done in the billing month of July 2020 after taking the reading of actual consumption on or about 02.07.2020. The Copy of Re-estimated Bill Calculation Report for the period of lock-down produced by the respondent, shows that the reading taken on or about 04.03.2020 for the billing month of March 2020 was 23515. After it, for the first time when actual reading was taken on or about 02.07.2020 for and the billing month of July 2020, the reading taken from the meter was 29921. Therefore, it was assumed that for the period from 04.03.2020 to 02.07.2020 the electricity actually consumed by the complainants was 6406 units (i.e. $29921 - 23515 = 6406$). The aforesaid Copy of Re-estimated Bill Calculation Report for the period of lock-down, also shows in table-C thereof that the aforesaid number of units of 6406 has been divided in the four billing months of April, May, June and July 2020 and it is submitted by the representative of the respondent that it is done by taking into consideration the actual number of days falling in each of these billing months. However, on actual calculation it appears that the calculation of division does not appears to be accurately on be basis actual number of days. There is slight difference between respondent's calculation and actual correct calculation of division of these units amongst the actual days falling in each of these billing months of April, May, June and July 2020. In the billing month April 2020 the period from 04.03.2020 to 01.04.2020 falls, which means 29 days. In the billing month May 2020 the period from 02.04.2020 to 05.05.2020 falls, which means 34 days. In the billing month June 2020 the period from 06.05.2020 to 03.06.2020 falls, which means 29 days. In the billing month July 2020 the period from 04.06.2020 to 02.07.2020 falls, which means 29 days. Thus total number of days from 04.03.2020 to 02.07.2020 is $29 + 34 + 29 + 29 = 121$ says. If total consumed units of electricity 6406 is divided by 121 days then approximate consumption for each of these 121 days comes to 52.94 units. If 29 days falling in the billing month of April 2020 is multiplied by 52.94 units, the consumption for these 29 days comes to 1535.26 units, but the respondent has calculated it at 1548 units. If 34 days falling in the billing month of May 2020 is multiplied by 52.94 units, the consumption for these 34 days comes to 1799.96 units, but the respondent has calculated it at 1815 units. If 29 days falling in the billing month of June 2020 is multiplied by 52.94 units, the consumption for these 29 days comes to 1535.26 units, but the respondent has calculated it at 1548 units. If 29 days falling in the billing month of July 2020 is multiplied by 52.94 units, the consumption for these 29 days comes to 1535.26 units, but the respondent has calculated it at 1495 units. However, the above miscalculation does not appear to be affecting any benefit of slab or any right of the complainant and hence it is not of any significance. The Respondent has properly applied the old tariff rates up to 31st March 2020 and new tariff rates as applicable from 1.4.2020 etc.



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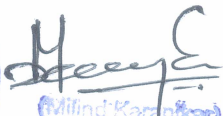
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i) It appears from the record of consumption of electricity produced by the respondent as well as the copies of bills produced by the complainants, that the aforesaid consumption of 1548 units, 1815 units, 1548 units and 1495 units mentioned for the billing months of April, May, June and July 2020 respectively is much higher than the consumption pattern of 733 units, 975 units 1142 units and 1083 units recorded for the billing months April, May, June and July 2019 respectively. So also the aforesaid consumption of 1548 units, 1815 units, 1548 units and 1495 units mentioned for the billing months of April, May, June and July 2020 respectively is much higher than the consumption patter of 609 units, 860 units, 902 units and 787 units recorded for the billing months April, May, June and July 2021 respectively. But then merely for this reason it cannot be concluded that the reading of consumption for billing months of April, May, June and July 2020 is incorrect or that the complainant has been charged arbitrarily. It is pleaded by the respondent that during the investigation of the high bill complaints of the complainants, it was also revealed to the respondent that the complainants are using high load electric appliances, viz. 4 Air Conditioners of 1.5 Ton each, 1 Refrigerator, 1 Microwave, 1 water purifier, 1 Washing Machine, 2 Geysers apart from 8 tube lights, 2 bulbs and 4 fan. It is generally observed that during the lockdown period almost all the private sector employees were doing their office works from home. This was also peak period of summer during April to July 2020. In such circumstances if consumption during this period was recorded higher than the corresponding period of other years, then it cannot be considered as abnormally on higher side, as alleged by the complainants. These contentions of the respondent are not rebutted by the complainants. Therefore to rule out these possibilities as mentioned by the respondent for reasons of higher consumption recorded by the meter for the disputed billing period than the corresponding billing periods of the year 2019 and 2021 the only way is to check the accuracy of the meter. The respondent has come with the case that on high bill complaint received by it from the complainants, it has checked the meter on 23.07.2020 in presence of the complainant and found the meter OK. In this regard the respondent has produced test report with its reply at Exhibit 'C'. On perusal of this document we find the meter was tested on 23.07.2020 at the site and it was found to be OK in all respect. This document supports the case of the respondent that the meter is accurate and the readings recorded by it cannot be found fault with, unless the complainant gets the meter tested as per the procedure laid down in clause 15.6 of the MERC (Supply Code & SOP) Regulations, 2021. In the course of hearing the representatives of the complainant have submitted that they are not aware of these provisions about testing of meter and therefore they have not applied of meter testing and if liberty is given they would take necessary steps to get the meter tested as per the procedure given in the MERC (Supply Code & SOP) Regulations, 2021 and they have requested that such liberty may be given by this forum.

j) Considering all the above observations and reasons, we hold that the demand made by the Respondent to the complainants to pay the bills for consumption of electricity as




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- shown on actual reading taken in July 2020, for the billing months from April 2020 to July 2020, is correct. Therefore, we have recorded affirmative findings on point No.1.
- k) As far as the request made by the complainants in the course of hearing for giving liberty to them to apply for getting the meter tested at laboratory is concerned, we do not find any legal bar in granting such liberty in view of the provisions of clause 15.6 of the MERC (Supply Code & SOP) Regulations, 2021 if complainant complies with all the necessary procedural requirements for it. Therefore, we hold that the complainants are entitled to get the meter checked and if the meter is found faulty in such test then to request for modification of bills if necessary. Hence we have recorded affirmative findings on point No. 2.
- l) In view of the affirmative findings recorded by us on point no. (1) & (2), we hold that the complaint will have to be dismissed as far as the request of the complainants to direct the respondents to reduce the amount of bills for the billing months from April 2020 to July 2020 with liberty to the complainants to apply for testing of the meter in laboratory in accordance with law and procedure laid down in the MERC Regulations with observation that further course will be followed in the light of the result of such test, if any, in accordance of the prevailing procedure as per the MERC (Supply Code & SOP) Regulations. In these terms the instant grievance application will have to be disposed off as is being directed in the operative order being passed herein below. Hence, we have answered point no. (3) accordingly, and therefore, we pass the following order.

ORDER

- 1.0 The grievance No. A-459-2022 dtd. 01/07/2022 stands disposed off in following terms:
- a) The complaint/ grievance No. A-459-2022 is dismissed as regards the request of the complainants to direct the respondents to reduce the amount of bills of the billing months from April 2020 to July 2020.
- b) Liberty is granted to the complainants to apply and take steps to get the meter tested at laboratory as per the provisions of clause 15.6 of the MERC (Supply Code & SOP) Regulations, 2021 and if meter is tested as such, the parties shall be entitled to take steps in the light of the result of such test of the meter in accordance with the Law and the Regulations framed there under.
- 2.0 Copies of this order be given to all the concerned parties.

(Shri. S.S. Bansode)
Technical Member

(Smt. Anagha A. Acharekar)
Independent Member

(Shri S.A. Quazi)
Chairman



(M. Karanjkar)
Secretary
CGRC B.S.T.

