

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)-121-2011 dt . 26-05-2011

Abdul Aziz & Bros.,Complainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Quorum : 1. Shri R U Ingule, Chairman
2. Shri S P Goswami, Member

On behalf of the Complainant : 1. Shri Yunus Haroon
2. Shri Khalil Ebrahim

On behalf of the Respondent : 1. Shri P.S. Deshpande, AOIGR, CC 'G/N'
2. Shri S. Dond, OACC, 'G/N' ward

Date of Hearing : 16-06-2011

Date of Order : 04-08-2011

Judgment by Shri. R.U. Ingule, Chairman

Abdul Aziz & Bros, Grd floor, Shop No-1, Ganesh Bhuvan, 130 Cadel Road, Mahim, Mumbai - 400 016 has come before the Forum for his grievance regarding High bill complaint pertaining to A/c No 636-007-007*6.

Complainant has submitted in brief as under :

- 1.0 The complainant has approached to IGR Cell of the Respondent on 10.2.2011 regarding high bill complaint of A/c No 636-007-007*6.
- 2.0 Not satisfied with the reply of respondent's IGR Cell dtd. 3-3-2011, complainant approached to CGR Forum in schedule 'A' format on 23.05.2011. The complainant requested the Forum to cancel the wrong debit note of Rs.1,73,285.17 and also requested to cancel delayed payment charges and interest charges.

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

- 3.0 The meter No F998175 of A/C No 636-007-007 and meter No C976175 of A/C No. 760-523-405 were removed on 30-6-2006 for non-payment of bills. At the time of removal of Meter No C976175 the reading was recorded as 972.
- 4.0 As per the request of the consumer Abdul Aziz & Bros. after making part payment of bill the meter was installed at the premises of the consumer. While reinstalling the meter inadvertently the Meter No C976175 of A/C No. 760-523-405 was installed at the premises of Abdul Aziz & brothers. The initial reading recorded by the Meter No C976175 was 972.
- 5.0 Meter No C976175 was replaced by Meter No. F975742 on 13-12-2007. The last reading recorded on the Meter No C976175 was 10598. As the Meter No. C976175 was not appeared on the master tape hence the consumer was not billed from 30-6-2006 to 13-12-2007 for $10598-972=9626$ units.
- 6.0 The Meter No. F975742 was installed on 13-12-2007 & the initial reading was 7. This meter also not appeared on the master tape. The meter reader brought the reading on 16-7-2009 i.e 14460 as such the total units charged to the consumer was $14460-7=14453$ units.
- 7.0 Since the Meter No. C976175 & F975742 did not appear on the master tape the consumer was not billed from 30-6-2006 to 16-7-2009 for $9626+14453=24079$ units. These bills were based on actual reading recorded by the meters and not based on average. Accordingly an amount of Rs. 1,73,285.17 was debited in consumers bill for the month of October-2009.
- 7.1 On the scrutiny of the consumption pattern it is observed that both the meters were not defective for e.g. consumption of different period is given below:

Month	Total Consumption	Units Average per month
June-2005 to May-2006	5134	428
June-2006 to July-2009	24079	651
Dec-2009 to Nov-2010	8905	742

- 7.2 To avoid the payment of electricity bills, the consumer is stating that the same Meter No. F998175 was not installed at the premises of the consumer and the Meter No. C976175 was defective as T. B. seals missing. The consumer has used the electricity during the unbilled period.
- 8.0 In view of above the consumer may not be granted any compensation and may be directed to pay Rs. 1,82,589/- as a legitimate dues of the Undertaking.

REASONS :

- 9.0 We have heard the representatives Shri. Yunus Haroon & Shri. Khalil Ebrahim for the complainant & the representatives Shri. P.S. Deshpande & Shri. S. Dond for the respondent BEST Undertaking. Perused documents.
- 10.0 The meter no. F998175 installed at the premises of the complainant was removed on 30-6-2006 for non payment of electricity bills of the amount of Rs.11,650/- with the final reading on the meter as 32154 KWH. However, on application the complainant was given reconnection immediately by accepting the part payment of Rs.5,480/-.
- 11.0 While installing the meter under reconnection in the above case the respondent installed a different meter no. C976175 with the initial reading of 972 KWH instead of the consumer's same meter no. F998175. However, the respondent inadvertently and out of bonafide mistake did not bring this new meter on master tape, i.e. the information of reconnection was not sent to the Electronic Data Processing (i.e. EDP) dept & therefore the complainant was not billed for this meter till 13-12-2007. However, the complainant has enjoyed by this time 9626 units, which were recorded by this meter i.e. $10598-972 = 9626$ units, i.e. the difference in final & initial readings respectively. Significant to note that the complainant during this period did not approach the Respondent's office to enquire about the non receipt of the regular bills & kept silent, especially when his earlier meter was disconnected for non payment of electricity bills.
- 12.0 We observe that even though there is a practice of installing the same meter under reconnection, but the same is not mandatory on part of the Respondent. Installing a new meter does not make any difference in recording the consumption of electricity. The accuracy of the meter is

material. In the instant case accuracy of the meter is not under dispute. As observed above on the basis of the initial and final reading, the consumption of units have been calculated and against the same, bill has been raised by the Respondent.

- 13.0 On 13-12-2007 the respondent replaced the meter no. C976175 by a new meter no. F975742 with the initial reading of 7 KWH as the seals of the said meter were found broken. However, the same mistake is repeated by the respondent officials i.e. this meter was also not taken on the master tape till 16-7-2009 the day on which the respondent BEST Undertaking came to know the lapse committed on their part. Since the meter was not taken on the master tape the same was not read during the period 13-12-2007 to 16-7-2009. However, record of initial and final reading of the said meter manifest consumption of 14453 units by the complainant i.e. $14460-7=14453$.
- 14.0 We further observe that in the month of Oct-2009 complainant was therefore served accumulated bill for Rs.1,73,285.17 for the period of 30-6-2006 to 16-7-2009 for $9626+14453 = 24079$ units, which included the consumption recorded by meters no. C976175 & F975742. This bill was served by the Respondent giving the benefit of Rs.14,150.13 towards extra charged 2400 KWH units. Significant to note that the complainant in this case also did not approach the Respondent's office inquiring about the non receipt of the regular bills & kept silent till 21-04-2009. It is vide his letter dated 21-04-2009 the complainant approached the Respondent complaining about non receipt of monthly bill.
- 15.0 In view of the above reasoning this Forum is of the view that there are glaring mistakes committed by the Respondent but bonafide one. We also find that the complainant has also been an irresponsible consumer. The complainant has accepted that he has consumed the electricity during the above period and agreed to pay the legitimate energy charges. Therefore this Forum is of the view that as there has been an accumulated bill for a period 30-6-2006 to 16-7-2009 and debited in complainant's account in Oct-2009, the complainant be given the benefit of waival of D.P & Interest charges & also suitable installments be given for making the payment. Accordingly we proceed to pass the following order.

ORDER :

1. Complaint No. N-G(N)-121-2011 dt . 26-05-2011 is partly allowed.
2. Respondent is directed to recover the arrears of electricity charges from the complainant after waiving D.P & Interest charges.

3. Complainant has been directed to pay the arrears of electricity charges in six monthly equal installments and respondent has been directed not to levy any D.P. & Interest on the said payment for the said period.
4. Compliance of this order be informed to this Forum within a period of one month from the date of passing this order.
5. Copies be given to both the parties.

(Shri S P Goswami)
Member

(Shri R U Ingule)
Chairman