

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. EA-143-2012 dt . 02/04/2012

M/s Ashapura GarmentsComplainant

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. Shri M.H. Patel
2. Shri M.P. Behda

On behalf of the Respondent : 1. Shri. D.N. Pawar, DEEA
2. Shri. A.A. Patel, Ag. AEEA
3. Shri U.D. Jumase, AOSE-I
4. Shri. S.N. Bhosale, L.A

Date of Hearing : 24/05/2012

Date of Order :

Judgment by Shri. R.U. Ingule, Chairman

M/s Ashapura Garments,312, Navyug Ind. Estate, T.J. Road, Sewree, Mumbai - 400 015 has come before the Forum for grievances regarding defective meter amendment claim of A/c no. 200-006-581.

Complainant has submitted in brief as under :

- 1.0 The complainant has approached to IGR Cell on 09/03/2010 regarding its grievance regarding defective meter amendment claim of A/c no. 200-006-581. The complainant has approached to CGRF in schedule 'A' on 28/03/2012 as no remedy is provided by the Distribution Licensee regarding their grievance. The complainant plea is as his meter no. P980183 is replaced by meter no. P003213 on 19/11/2003 due to no display. Defective meter claim of Rs. 11,666.08 for the period 01/06/2002 to 01/09/2003 raised on 11/02/2005 and debited in the bill of July 2005. As per section 56(2) of Electricity Act, 2003 this amendment claim could not be recovered.

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

- 2.0 Meter No.P980183 installed at the above premises found defective (No display / No MRI) at the time of site inspection on 10.11.2003. Defective meter no.P981083 was replaced by new meter no. P003213 on 19.11.2003. The bills were amended from 01.09.2003 (date of last MRI reading) to 19.11.2003 (date of replacement) on the basis of 1067 kwh units based on the average monthly consumption recorded by meter no. P981083 during the period 01.06.2003 to 01.09.2003. The amendment claim of Rs.11666.08 for the period 01/09/2003 to 19/11/2003 preferred to the consumer vide our letter dtd. 11.02.2005 as we have not received response to our letter, the same amount was debited in consumer's A/c in the month of June 2005.
- 3.0 Amendment claim issued by the BEST is to be treated as accurate which is as per MERC regulations.

REASONS :

- 4.0 We have heard Shri M.H. Patel and Shri M.P. Behda for the complainant and for Respondent BEST Undertaking Shri D.N. Pawar, Divisional Engineer (EA), Shri. A.A. Patel, Ag. AEEA, Shri U.D. Jumase, AOSE-I & Shri. S.N. Bhosale, L.A. Perused documents placed before the Forum.
- 5.0 Adoption of total wrong procedure in calculating and serving the amendment claim on the complainant by the Respondent BEST Undertaking, has been writ large on the very face of the record.
- 6.0 In this context this Forum observe that, admittedly the meter no. P981083 installed in the premises of the complainant was inspected at the site on 10/11/2003 by the Respondent BEST Undertaking. Therein they found the said meter not displaying any reading. Therefore, this meter no. P981083 has been replaced by new meter no. P003213 on 19/11/2003, treating the erstwhile

meter being “defective one”. At this juncture it is significant to observe that the meter no. P981083 has recorded the last reading on 01/09/2003. The Respondent BEST Undertaking has amended the bill to be paid by the complainant for a period from 01/09/2003 to 19/11/2003.

- 7.0 Thus the period of amendment has been the period wherein no reading has been recorded by the meter no. P981083. Therefore, in consider view of this Forum the said meter no. P981083 needs to be termed as a **stopped meter** and not **defective meter**. This Forum further observe that when a meter is to be termed as **defective meter** such meter is required to be contemplated running meter recording supply of electricity beyond prescribed limits of errors i.e. it must run either fast or slow. In such contingency it is possible to determine incident of percentage of error in recording electric supply. In case of stopped meter or burnt meter it is contemplated that such meters are non functional one and not recording any reading, as occurred in the matter under consideration.
- 8.0 This Forum observe that a regulation provided under the MERC (Electricity Supply Code and other conditions of supply) Regulation 2005 provides a different methods for raising a bill in the cases of **defective meter** and that in a case of **stopped meter**. In view of this Forum it would be gainful to reproduce the concern regulation and it run as under :

15.4 Billing in the event of defective meters

15.4.1 Subject to the provisions of Part XII and Part XIV of the Act, in case of defective meter, the amount of the consumer’s bill shall be adjusted, for a maximum period of three months prior to the month in which the dispute has arisen in accordance with the results of the test tken subject to furnishing the test report of the meter along with the assessed bill:

*Provided that xxxxxxxxxxxxxxxxxxxxxxxx
xxxxxxxxxxxxxxxxxxxxxxxxxxxxx
xxxxxxxxxxxxxxxxxxxxxxxxxxxxx*

Provided further that, in case the meter has stopped recording, the consumer will be billed for the period for which the meter has stopped recording, up to a maximum period of three months, based on the average metered consumption for twelve months immediately preceding the three months prior to the month in which the billing is contemplated.

- 9.0 In the case under consideration this Forum observe that the Respondent BEST Undertaking has worked out the amendment bill of electricity based on the average monthly consumption recorded by meter no. P981083 during the period

01/06/2003 to 01/09/2003. Thus we observe that for adjusting the consumer's bill, a period of prior 3 months has been taken into consideration which has been prescribed by the regulation 15.4.1 for the case of **defective meter**.

- 10.0 In the case of **stopped meter** the second proviso provided under regulation 15.4.1, the bill can be adjusted for the maximum period of 3 months based on the average meter consumption for 12 months immediately preceding the 3 months prior to the month in which the billing is contemplated.
- 11.0 To reiterate it is the case of Respondent BEST Undertaking that during the period from 01/09/2003 to 19/11/2003 the reading was not available. Therefore, in our view it has been explicitly and obviously case of **stopped meter** and not of defective meter. We therefore proceed to hold that the amendment claim made by the Respondent BEST Undertaking against the consumer has been totally on a wrong basis and worked out giving a blind eye to the concern provision provided under regulation 15.4.1. Therefore, needless to mention that the same has been unsustainable in law.
- 12.0 In the aforesaid observation and discussion the complaint should succeed accordingly and we proceed to following order.

ORDER

1. Complaint no. EA-143-2012 dtd. 02/04/2012 stands allowed.
2. It is hereby declared that the amendment claim made against complainant by Respondent BEST Undertaking has been based on the wrong procedure therefore, unsustainable in law.
3. Copies be given to both the parties.

(Smt Varsha V Raut)
Member

(Shri S P Goswami)
Member

(Shri R U Ingule)
Chairman