

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-F(S)-135-2012 dt . 23/02/2012

M/s Embassy InternationalComplainant

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 Ramesh Veera
2. Shri Bhavesh Kapadia

On behalf of the Respondent :
1. Shri. A.R. Damani, Divisional Engr.
2. Shri. A.B. Shinde, Asst. Engr.
3. Shri H.N. Darandale
4. Shri Raul, Asst. Legal Advisor

Date of Hearing : 11/04/2012

Date of Order :

Judgment by Shri. R.U. Ingule, Chairman

M/s. Embassy International, 305, Wadala Udyog Bhavan, Naigaon Cross Road, Wadala, Mumbai - 400 031 has come before the Forum for their grievances regarding Grievances regarding additional bill pertaining to A/c no. 690-352-617 & 690-353-605*8.

Complainant has submitted in brief as under :

- 1.0 The complainant has approached to IGR Cell on 10/01/2011 regarding their grievance of additional bill pertaining to A/c no. 690-352-617 & 690-353-605*8. The complainant has approached to CGRF in schedule 'A' on 23/02/2012 as reply is not received by him by the Distribution Licensee regarding his grievance. The complainant has requested the Forum to direct the BEST Undertaking to cancel Debit Note, DP charges, interest charged and give slabwise benefit of 9042 units charged from the date of installation.

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

- 2.0 Respondent stated that M/s Embassy International, Complainant had applied through Annexure 'C' dated 27.01.2011 stating that they have been charged electricity bill for Rs. 1,38,264.52 in the year 2005 . We regret to state here that the said Annexure 'C' Form was received but misplaced in transit and therefore a zerox copy of the same was obtained from the representative of M/s Embassy International and reply for the same was sent on 25.11.2011. In the reply M/s Embassy International were requested to provide zerox copies of electricity bills for the disputed period to enable us to calculate actual units. As the matter was pertaining to the year 1996-2004, it was necessary to have the billing details from the year 1996 onwards. As this old record was not available with us and one credit note was also not available with us, we requested the consumer to provide the copies of the bills which were available with them. Initially the consumer agreed to provide the same, but the consumer did not made available the copies of the old electricity bills. In the meantime, we searched the same at our various offices and could locate credit notes of October, 2005 and October, 2006. Further, the details of the calculations of the Debit and Credit notes could not be located. On the basis of the noting made on the Debit and Credit notes, we have analyzed the case and on the basis of this analysis we have to submit as follows :
- 3.0 In the said case, Meter No. 0351277 was installed on 22.03.1996 under replacement with Commercial tariff. In the month of Oct. 2004 it was noticed that this meter is not being billed and therefore, the complainant was charged 9042 units by giving slab benefit of 9 months. In the month of October, 2005, the consumer was charged 29042 units considering the actual consumption up to 22.3.1999 and thereafter assuming that from March 1996 to Oct. 2004, the reading is zero wised once and an amount of Rs.1, 65,464.92 was debited for the period from 22.03.1996 to 10.10.2004 and given credit of Rs.62,699.42 for 9042 units which were billed in the month of October, 2004.

- 4.0 After making the payment of Rs. 60,000/- and Rs. 25,000/- on 16.02.2006 & 13.04.2006 respectively, the complainant disputed over 29042 units and claimed revision of the charged units. Therefore the said claim was revised for the period from 16.08.1999 to 15.10.2004 considering the actual reading in the month of Aug. 1999 which was 2377. The complainant was given slab benefit for the months from 16.08.1999 to 15.10.2004 by charging 6668 units (i.e. actual reading of 9042 on 15.10.2004 less the reading of 2377 of August, 1999) instead of 16668 units which were charged earlier. The revised calculation was effected in the month of Oct. 2006 showing debit of Rs. 41,516.37 and the earlier credit calculation amended to Rs. 1,04, 801.32 for the period August, 1999 to October, 2004. Therefore, the complainant, M/s Embassy International may be directed to pay Rs. 1,02,591/- upto the month of March 2012 to the BEST Undertaking.

REASONS :

- 5.0 We have heard the complainant in person and Shri A.R. Damani, Divisional Engr., Shri. A.B. Shinde, Asst. Engr., Shri H.N. Darandale, Shri Raul, Asst. Legal Advisor for the Respondent BEST Undertaking. Perused documents placed before this Forum.
- 6.0 The forum observe that the origin of the grievance needs to be considered from October 2004 when the Respondent BEST Undertaking for the first time has found that the above consumer apart from having meter no. L910659 for industrial use is also having another meter no. 0351277 for commercial purpose. After scrutiny of the record by the Respondent it was discovered that the meter no. 0351277 was installed on 22/03/1996 for commercial purpose. However, the meter remained unbilled up to October, 2004 showing the registered consumption of 9048 units as last reading.
- 7.0 Looking at the connected load of the complainant on this meter, the final reading and also from the old record of debit/credit notes the Respondent BEST has concluded that the meter being 4 digit meter used for commercial purpose and considering huge time period, it ought to have crossed the recording limits of 9999 at least once. However, there is possibility of the meter being crossed its recording limits of 9999 more than once looking at the long time period from March, 1996 to October, 2004 i.e. approximately of more than 8 ½ years. The Respondent however taking an extreme lenient view of the meter being zeroed only once, and shown fairness to the complainant, as the original charges of 29042 units were taken into consideration and subsequently same were revised to 19042 units, when the complainant objected for the above units charged being on higher side.
- 8.0 The complainant has neither disputed the installation of this meter from 1996 onwards, nor denied using the electricity supply through this meter for commercial purpose of its premises. Therefore, quantification of

consumption of exact number of units by the complainant has been crux of the grievance under consideration of this Forum.

- 9.0 The Respondent BEST Undertaking has submitted to this forum that, in order to quantify the consumption of units by the complainant apart from final reading of 9046 units found on the meter, had produced debit and credit note no. 53899 dtd. 03/10/2005 wherein the period of March, 1996 to October, 2004 is taken into consideration for under charged units as per the statement of calculation prepared and placed on file before us, an amount of Rs. 1,65,464.92 is calculated. Similarly, the Respondent had produced another credit note no. 63836 dtd. 04/10/2006 prepared for the period of 16/08/1999 to 15/10/2004 for over charged units for Rs. 41,516.37.
- 10.0 The complainant has not disputed the consumption of electricity supplied to it and the final reading through this meter. The Respondent BEST Undertaking has submitted that in the absence of any other record they had to calculate the consumption in a backward manner starting from the year from 2004 to 1996 considering that 2377 units has actually been consumed till Aug., 1999 by applying the methodology of an uniform monthly consumption of 537 units and slab benefit has also been given to the complainant.
- 11.0 On this basis the Respondent has drawn a reasonable conclusion and a minimum value of only once meter being zerowised is taken into consideration and accordingly the claim is prepared by charging 9042-2377 i.e. 6668 units for the period of Aug., 1999 to Oct., 2004. Concluding the next bill amount of Rs. 1,04,801.32 deducting there from Rs. 41,516.37 thus calculated the net payable Rs. 66,284.95 only. The demand of the Respondent BEST Undertaking for Rs. 1,02,591.00 up to the March, 2012 includes the net payable along with unpaid amount of the other meter, DP and interest and therefore appears to be the legitimate amount to be paid by the complainant. As the Respondent BEST Undertaking did not recorded the consumption of electricity by complainant from time to time therefore it would be proper to waive the DP and interest charges levied on the complainant and accordingly we do so.
- 12.0 It may be appropriate to mention here that the present officials of the Respondent Shri A.R. Damani and his team has done commendable job by working out the legitimate charges towards recovery of the revenue of public body like Respondent BEST Undertaking by working out payable charges from very limited available data of last reading of the meter and debit/credit notes. While concluding this order we may observe that the complainant was blissfully complacent in enjoying the electricity without paying any charges and granting any more relief to the complainant would amount to putting a premium on such unbecoming behaviour of the complainant.
- 13.0 In the aforesaid observation and discussion we proceed to pass the following order.

ORDER

1. Complaint no. N-F(S)-135-2012 dt . 23/02/2012 has been partly allowed.
2. The Respondent BEST Undertaking is directed to re-calculate the payment to be made by the complainant by waiving the DP and interest in full till this date.
3. The complainant is directed to pay the same in three equal monthly installments from the date of receiving the amended bill.
4. Compliance of this order be informed to this Forum by the Respondent within a period of fortnight commencing from the date of serving amended bill on the complainant.
5. Copies be given to both the parties.

(Smt Varsha V Raut)
Member

(Shri S P Goswami)
Member

(Shri R U Ingule)
Chairman