

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)-61-08 dt . 22/12/2008

Pravin S. GujarathiComplainant

V/S

B.E.S. & T. UndertakingRespondent

Present

Quorum
1. Shri. M.P. Bhave, Chairman
2. Shri. S. P. Goswami, Member
3. Smt. Vanmala Manjure, Member

On behalf of the Complainant : Shri. Pravin S. Gujarathi

On behalf of the Respondent : Shri. M.A. Kharote, AE(EA)

Date of Hearing: 16/01/2009

Judgment by Shri. M.P. Bhave, Chairman

Shri. Pravin S. Gujarathi, Mahim, Mumbai – 400 016 has come before this Forum for his grievance regarding erratic consumption recorded by meter no. P020477 for the period December 2006 to November 2007.

Brief history of the case

- 1.0 The meter No. P 020477 was existing at the installation of the complainant Shri. Pravin S. Gujarathi since 7.01.2004 with C2 tariff.
- 2.0 Vide letter dated 1.9.07, complainant had complained to BEST about excess billing since Sept'06 on the meter no. P 020477. The said meter was tested by BEST at site on 9.10.07 and was found 83.12% fast when capacitor was ON and working within limits of accuracy when capacitor was OFF.
- 3.0 BEST vide its letter No. EA/IGR-53/1990/62557/07 dtd. 16.10.07 informed the complainant about the findings of the meter and advised him to pay attention on maintenance of capacitors installed at his end.

In response to this, complainant again sent the letter on 20.11.07 to BEST stating that, he has not satisfied with the findings and he is interested in official testing of the said meter in the laboratory. Hence, said meter was replaced by meter no. P 061787 on 28.11.07 by BEST for official testing under intimation to the consumer vide its letter EA/GR-11/2323/72204/07 dt. 5.12.07.

The meter no. P 020477 was official tested in the BEST laboratory in presence of the complainant Shri P. S. Gujarathi, the said meter was found working within limits of accuracy as regards active and reactive energy, dial test as well as creep test. Consumer had asked for the report of official testing vide his letter dated 17.6.08. The Xerox copy of detailed official testing report was sent by BEST to the complainant vide its letter EA/Dept. 7/1442/44002/08 dated 25.6.08.

- 4.0 Unsatisfied by the reply received from BEST, complainant complained in Annexure 'C' on 17.6.08 to IGR Cell of BEST, complaining about high consumption from the period Dec'06 to Nov'07, getting high bills. A detailed reply to consumer's complaint in Annexure 'C' was sent by BEST on 16.7.08 wherein it was explained that, consumption of the said meter was recorded by Meter Reading Instrument'. These readings were neither manual nor generated. Also, explained about the defective capacitor installation in service may be the possible rise in consumption.
- 5.0 Unsatisfied by the reply received from IGR Cell of BEST, against complaint in 'C' form, complainant approached CGRF in schedule 'A' on 22/12/2008.

Consumer in his application and during Hearing stated the following

- 1.0 The complainant said that he is very old customer of BEST since 28 years and running a pathological Laboratory in Mahim. He is having a few blood testing instruments and 2 computers which work on ordinary voltage.

- 2.0 He said that the three phase meter no. P020477 was installed on 07/01/2004. This meter was working perfectly till Nov. 2006 and from the month of Dec. 2006 it started working erratically showing abnormally high reading till the month of Nov. 2007 (Bill for the month of Dec. 2007). The high reading varied from 1503 to 1994. As compared to previous variation of 573 to 1148 for the year 2005-2006 and total bill for this period i.e. 13 months was

Total bill:	Rs.1,77,880.40
Penalty, Interest and Other Charges	Rs. 3,368.08
Total	Rs.1,81,248.49
Average	Rs. 13,683.11
During this period he has made the payment of	Rs. 99,009.00

- 3.0 In fact during the period Dec. 2006 to Nov. 2007 his place was under renovation and had removed one 2 ton AC so he was surprised to know how consumption of Electricity was increased.
- 4.0 He said that the new meter P061787 was replaced on 28/11/2007. After installing new meter, from Dec. 2007 it started showing the normal reading. During the period of Jan. 2008 (December Bill) to Nov. 2008 i.e. for the 11 months

Total bill:	Rs.62,087.64
Penalty, Interest and Other Charges	Rs.15,556.60
Total	Rs.77,644.24
Average	Rs. 5,644.33

- 5.0 He said that during the period of Dec. 2006 to Nov. 2007 he had made the interim total payments of Rs.99,009.
- 6.0 He said that in his 28 years of Practice as a Pathologist he had never got such a high bill as for the period of Dec. 2006 to Nov. 2007. He submits that he is a layman the meter was tested in his presence but could not understand the findings.
- 7.0 He requested the Hon'ble Forum to go through the bills for both the periods. And do the necessary correction. Further he requested to give necessary credit in new meter period & requested for the waiver of the interest, late payment and other charges. He is ready to pay the corrected bills.
- 8.0 He has opted for 3 phase meter to avoid frequent off supply. As per the advice of BEST he installed the capacitor of reputed make (Simens Company) at his installation. At present the capacitor is removed.
- 9.0 He was not shown the test report of the site testing of meter carried out by BEST on 10/10/2007. However, BEST in their letter dtd. 16/10/2007 addressed to him has mentioned that the site testing was done in his presence.

- 10.0 He has agreed that there was delay from his side to approach BEST regarding high bill complaint as he was under the impression that there might be an human error in taking the readings. He thought that the same will be corrected in further month bills.

BEST in its written statement and during Hearing stated the following:

1. The consumer has not submitted his complaint in Schedule 'A' in parawise format. However, our comments with regards to various points raised by the consumer in his letters dated 1.9.07, 20.11.07, 17.6.08, 20.7.08 & 17/12/08 and complaint in Schedule 'A' dated 19/12/08 are as follows:-
2. The meter no. P 020477 in the name of Shri P. s. Gujarathi was installed on 7.1.2004.
3. The consumer has complained about abnormally high reading from Dec'06 to Nov'07 as compared to previous consumptions for the year 2005-06. In this regard, we have to state as follows:

The meter no. P 020477 was tested at site on 9.10.07 and was found 83.12% fast during capacitor on' condition and found working within limits of accuracy during capacitor 'OFF' condition.

Load	% Error	
	With capacitor 'ON'	With capacitor 'OFF'
2.54kW	83.12	2.46

4. Further it was also observed that, at no load condition and only capacitor 'ON' the current drawn by capacitor on R, Y, B phase was 0.01 amps, 8.58 amps and 8.59 amps respectively, indicating that the capacitor units on 'R' ph had become defective.
5. In the similar case of the M/s. New Era Mercantile (P) Ltd. this issue was taken up with the manufacturer, M/s. ABB Ltd. In reply, they stated that in case of capacitor installation on one phase becomes defective, it develops some resistance and behaves like a load drawing good amount of active current which results in rise in kWh registration. This issue was also deliberated earlier in detail by our Sr. management and it was decided to treat meters as 'CORRECT' if they are found working within permissible limits of accuracy when capacitor is in OFF condition.
6. Consumption of the consumer is scrutinized, it has been observed that, from the period 1.11.06 to 1.11.07 meter has recorded higher kWh units. It is our experience that, if the consumer draws less power with a defective capacitor in service meter records higher kWh units. The average monthly consumption from 1.11.2005 to 1.11.06 and

from 1.11.06 to 1.11.07 is worked out and found to be 887 kWh & 1729 kWh respectively.

7. The consumer explained that, his premises was under renovation and had removed one AC (2 tonnes) still consumption for that period is increased. In this regard, it is to be reiterated that at lesser power with a defective capacitor in service meter records higher kWh units. Hence, it might be due to the faulty capacitor.
8. Also, throughout this dispute period readings were taken by Meter Reading Instrument. As consumer was billed on actual readings, billing is in order.
9. The consumer has written about various correspondence done with our dept. We have replied to the consumer and also explained the matter, personally whenever he visited our department. The meter was officially tested in the laboratory, in presence of consumer and findings were explained to him.
10. Lastly, the consumer has requested to do the correction and give necessary credit, considering the period of new meter, subsequently waiver of interest, delayed payment charges. In this regard, it is to be reiterated that, as the billing is based on the actual consumption, the billing is in order.
11. Consumer's request for considering new period i.e. from the date of installation of new meter for assessing the old bills during disputed period cannot be considered.
12. BEST has issued bills based on the actual consumption recorded by meter no. P 020477 which was found working within permissible limits of accuracy during official testing on 10.3.08 in the laboratory.
13. The meter has recorded higher consumption during the period from 1.11.06 to 1.12.07. After 1.12.07 i.e. presumably after the consumer rectified the defect in the capacitor the meter has regained the earlier average consumption which is between 400 to 900 units per month. This clearly proves that, meter is registering correct consumption.
14. The capacitor bank is consumer's installation and as such, the responsibility of ensuring its healthiness by carrying out periodic maintenance lies with him.
15. The bills issued by the BEST are to be treated as accurate since they are based on the actual consumption recorded by meter No. P991248 which was found working within permissible limits of accuracy during site testing on 09/10/2007 as well as the official testing done on 10/3/2008.
16. The consumer shall not be allowed to produce any more evidences before the Forum during the hearing of the case without giving us an opportunity to offer our comments.

Observations

1. Complainant's high bill complaint is for the period December 2006 to November 2007. The complainant approached the respondent first time vide his letter dated. 1/9/2007.
2. BEST carried out site testing of disputed meter on 9/10/2007 the same was found 83.12% fast keeping capacitor in ON position.
3. It may be noted that BEST is supposed to use accurate meters as reference for site testing. At no time BEST has doubted the reference meter.
4. Under these circumstances, the BEST should have removed the faulty meter and corrected the consumer's bill.
5. There was no necessity to test the meter in laboratory. Normally Laboratory testing is treated as sacrosanct and forum would not like to over rule it. How ever it is very clear that in this case, laboratory test is carried out at standard loads and not at the conditions prevalent at the time of site testing.
6. Forum comes to the conclusion that the meter has recorded higher readings. Therefore bills of the consumer have to be suitably amended.
7. As the meter was found recording 83.12% faster during testing, actual consumption should be appropriately reduced.
8. During the hearing, BEST has argued that the possible cause of higher recording of the consumer is that the capacitors at the consumer installation are faulty. It is the responsibility of the consumer to put proper capacitors. Hence consumer has to pay the bills raised by the consumer.
9. Let us for the time being assume that consumers capacitor have gone faulty. Still the fact remains that at site testing with the other meter has shown nearly half the reading.
10. The BEST is supposed to charge the consumer for the electricity it has supplied and not by the one which is recorded, if there are reasons to believe that these two things are different.
11. The consumer showed the capacitor bank during the Hearing. It was of the size of twice that of a typical first aid box. If device of this size goes faulty and starts consuming electricity of the magnitude as contemplated, the situation could not have been remained unnoticed. Therefore, the argument that, the capacitor has consumed the electricity can not be accepted.
12. During the disputed period the RKVH units registered by the meter are very low. If the capacitor goes faulty and or starts consuming power, the possibility of recording near zero RKVH for a period of more than six months is practically zero.

13. Hence forum has no hesitation to conclude that something has gone wrong with the recording of power consumed. Therefore consumer can not be asked to pay by the meter readings.
14. Complainant approached in writing to the respondent on 1/9/2007 i.e. after a gap of 9 months from the date of beginning of erratic consumption. Hence, complainant cannot be given benefit for the entire disputed period. It will be appropriate to revise the bills from 3 months prior to, date of complaint till the replacement of the meter.
15. From the on load site testing results, it appears that one of the phases of the capacitor installed at consumer's installation had become defective. Forum is of the opinion that the consumer should do the periodic maintenance of the capacitor installed at his installation & take the corrective action accordingly.

ORDER

1. The BEST is directed to recalculate the bills for the period from 1/6/2007 till the date of replacement of the meter, within 30 days. Recalculations be based on the assumption that recorded readings are 83.12% higher.
2. After revision of bills, if any amount is still due from the consumer, The BEST is directed to recover the said dues in 3 equal monthly installments.
3. The BEST is directed to waive the DP Charges & interest charges, if any for the disputed period.
4. Copies be given to both the parties.

(Shri. M. P. Bhave)
Chairman

(Shri. S. P. Goswami)
Member

(Smt. Vanmala Manjure)
Member