

		Date	Month	Year
1	Date of Receipt	23	03	2022
2	Date of Registration	25	03	2022
3	Decided on	23	05	2022
4	Duration of proceeding	59 days		
5	Delay, if any.	Nil		

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.FN- 452-2022 dtd. 25/03/2022

Harsha Jayantilal Thakkar
(claiming to be heir of registered consumer
Shri Jayantilal M Thakkar)

.....Complainant

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 : Harsha Jayantilal Thakkar.

On behalf of the Respondent : Shri D.J. Talokar

Date of Hearing : 12/05/2022

Date of Order : 23/05/2022

Judgment

- 1.0 The complainant has grievance about high billing in respect of the bills received after March 2020 during period of lock down imposed due to covid-19 pandemic.
- 2.0 The following facts can be said to be not in dispute:
- a) The Respondent/BEST Undertaking has been supplying the electrical energy to the premises having address as, “Ground Floor, Plot-256, 16, Mrudula Mansion, Sewree Wadala Road No. 19, Wadala Post Office, Wadala , Mumbai-400031”. Name of the registered consumer of this electric connection is Shri Jayantilal M. Thakkar, under consumer No. 653-093-027*2. According to Complainant Harsha Jayantilal Thakkar, said Shri Jayantilal has died on 18.08.2020 and she (complainant Harsha Jayantilal Thakkar) being his daughter and heir is living in the premises and hence she has filed this grievance application before this forum.
 - b) Till 3rd August 2020, the electric meter installed at the consumer premises was the meter bearing No. L981247 and on 3rd August 2020, this meter No. L981247 was replaced by meter bearing No. M200960. Then on 07th January 2021, meter No. M200960 was replaced by meter bearing No. N201717. Presently, this meter bearing No. N201717 is working at the premises.
- 3.0 The case of the complainant may be stated as under:
- a) In the record of the respondent (BEST Undertaking), the registered consumer is Shri Jayantilal M. Thakkar. The said registered consumer Shri Jayantilal M. Thakkar has died on 18.08.2020. Copy of death certificate has been produced by the complainant in this regard. Therefore, the electric bills are still coming in the name of the said registered consumer Shri Jayantilal M. Thakkar. The complainant is daughter and heir of the said registered consumer Shri Jayantilal M. Thakkar and being so, she has been living in the said premises. Hence, the complainant has filed the instant complaint about high billing in respect of the bills received after March 2020 during period of lock down imposed due to covid-19 pandemic.
 - b) The complainant has submitted that in July, 2020, the respondent has wrongly charged the complainant for Rs.22,103.16 as “re-estimation” for the months of April, May and June 2020, alleging that the bills for these months were not on actual reading but they were based on previous month’s consumption pattern and when in July, 2020, the actual reading was taken and calculated, the consumption for April, May and June 2020 was 732 units+859 units +732 units respectively and thus the total consumption for these three months was 2323 units and thus average monthly consumption for these months is 774 units. The complainant has submitted that the said demand of the respondent/BEST Undertaking for Rs.22,103.16 is illegal. It is submitted that previously 5 members were in the family, still the monthly electric bills used to be for about Rs. 2,000/- Prior to lock down period, average consumption was not more than

300 units. Now only two members are staying in the premises without Air conditioner and no new appliances are installed. In view of this, the aforesaid amount of billing is inordinately on higher side. This shows that the re-estimation demand is defective either due to faulty meter, which was changed, or on account of faulty meter reading due to lock down for the reason of covid 19 virus. The complainant has submitted that since change of meter indicates defect in the meter No. L981247 after March 2020, the said demand of Rs.22,103.16 is necessary to be revised on the basis of average consumption for the months of Jan.,Feb. and March 2020. So also for the same reasons it is also necessary that the bills for July and August 2020 should be revised on the basis of average consumption in the months of Jan.,Feb. and March 2020.

- c) In the complaint filed before this forum, the complainant has stated that initial paper complaint was given by her to the respondent's FN ward of Wadala, in the month of November 2020, in respect of high bill since March 2020 lockdown. According the complainant, the complaints were sent through e-mail to the Divisional Engineer and the General Manager of the BEST Undertaking (respondent). Initially such e-mails were sent to the previous divisional engineer and general manager in the year 2020. In the complaint filed before this forum, the complainant has stated that "High bill complaints were also filed in July 2020 via e-mail in lockdown months, which were never corrected by FN ward during covid months".
- d) In the complaint filed before this forum, the reliefs sought by the complainant may be summarized as: (1) rectification of all the random bills in which the consumer has been overcharged during 10 months of lockdown period, (2) rectification of overbilling, which had been done due to faulty meter change and incorrect set up of meter, which happened twice, (3) Review of all fluctuating amounts on bills from March 2020 lock down to Dec 2021, which are not true reflection of "actual consumption", in view that consumer's average consumption has been not more than 250 to 300 kw per month and in view of the fact that two members of the family are lost in covid-19 lock down and hence consumption pattern of previous year is not applicable for average consumption and (4) Refund of all interest collected by the respondent in spite of respondent's failure to look into the overbilling matter, (b) respondent's failure to resolve complaint in time, (c) respondent's failure to provide receipts and lab reports in September 2021 despite repeated requests of consumer and (d) respondent's refusal to accept current charges pending the dispute about high billing raised since July 2020 onwards to date. In the complaint filed before this forum, while describing the nature of reliefs sought from the forum, the complainant has mentioned at serial No.3 about original receipt of Rs.2,000/- collected by Mr. Brijesh Upadhay, an employee of the respondent, for sending the meter to laboratory and at serial No. 4, it is mentioned about original report of faulty meter, which was sent to the manufacturer Larsen and Tourbo by Mr. Chavan, Div. Engineer the respondent. From this, it appears that the complainant wants to request that respondent be directed to provide the said receipt of Rs. 2,000/- and the report of testing of meter given by the manufacturer of the meter, to her.

- 4.0 The Respondent has filed its reply and opposed the instant grievance application of the complainant. Respondent's case, as stated in their reply and as submitted by their representative, may be stated as under:
- a) Due to spread of Covid-19 virus the government had imposed lock down from March, 2020 onward. During the lock down period of Covid-19, the activities of meter reading at site were suspended as per the directions of Maharashtra Electricity Supply Regulatory Commission (hereinafter it shall be referred to as MERC) Therefore, the actual meter reading for bill-months of April, May and June 2020 could not be taken. As per the directions of the MERC in this regard, the billing for the bill-months of April, May and June 2020 was done based on estimated consumption as per the actual reading taken about the consumption of previous bill-month i.e. March, 2020. The reading for the bill-month of March, 2020 was taken on 3rd March 2020 and the reading was 70930. The consumption for the bill-month March, 2020 was 438 units, as per the above reading taken from the meter No.L981247 at site.
 - b) According to the Respondent, after 3rd March, 2020, the actual reading was taken on 02.07.2020 from the meter No.L981247 at site. On 02.07.2020 the reading taken was 73962 and this reading was taken for the bill-months April, May, June and July, 2020 i.e. for four months. Thus, according to the Respondent, during these four months of April, May, June and July 2020, total units consumed were 3032. These consumed 3032 units were billed in the month of July, 2020 by dividing the same in the four months of April, May, June and July, 2020 and proportionately as per the number of days falling in those months. Thus the aforesaid 3032 units were divided in four parts so as to give necessary slab benefit to the consumer as per the prevailing tariff schedule. Thus, the bill calculations in July, 2020 were based on actual meter reading taken at site and as per the difference of readings taken on 3rd March, 2020 and 2nd July, 2020. On such calculation and recalculation, the earlier billing done in the months April, May and June, 2020 has been reversed and credited as that billing was based on estimated consumption. It is also submitted by the respondent that the new tariff rates have been implemented from the date of 01.04.2020 and the same have been considered while doing calculation of bills for consumption after 01.04.2020. In this regard the respondent has produced the document called Re-estimated-bill-calculation-report as annexure "A" with their reply. According to the respondent, it has also compared the above consumption of 3032 units recorded in April, May, June and July, 2020 with the consumption of 2595 units, recorded in the corresponding months of April, May, June and July, 2019.
 - c) According to the Respondent, meanwhile the old meter bearing No. L981247, A/c No. 653-093-027 was replaced by the new meter bearing No.M2000960 on 03.08.2020 under Mass replacement. In this regard the respondent has produced and relied on the document called work-order for meter replacement as Annexure "B" with their reply.

- d) According to the Respondent, against the high-bill complaint dt. 07.01.2021 about new meter No.M2000960, received from Shri J.M. Thakkar, the meter was tested on 07.01.2021 and as per the testing report, the meter No.M2000960 was replaced by the new meter bearing No.N201717 on 26.03.2021. Accordingly, the old meter No.M2000690 was sent to the official testing on 22.04.2021. Official testing of the meter was done in presence of consumer's representative Mr. Arif Shaikh. The official testing report of meter No.M2000960 was to the effect that meter was found defective in accuracy test and register test with testing remark as "Fail in accuracy test and fail in register test". Therefore, the respondent referred the said meter No.M2000960 to its manufacturer L & T. Thereafter the manufacturer sent report of their test of the meter. As per the test report dt. 11.08.2021 of the manufacturer, they tested the accuracy of the meter and found it "OK". The meter testing reports have been produced by the respondent as Annexure "c". Therefore, according to the respondent, there was no need to amend the billing and hence, no amendment was done and the high bill complaint was closed by the respondent.
- e) According to the Respondent, slab benefit in the net credit of amount of Rs. 77.21 for accumulated consumption of 949 units for bill-month of April,2021 and May, 2021 was given to the consumer in the month of August, 2021, vide the ID No. 7147996 dated 07.06.2021, copy of which is produced by the respondent as annexure "D".
- f) On 12.06.2021, again the high bill complaint was received by the respondent from the consumer. Therefore, the respondent tested the meter No.N201717 at the site on 12.06.2021. As per the testing report, the meter was found to be working within permissible limits of accuracy, vide the ID No. 7159025 dated 12.06.2021, copy of which is produced by the respondent as annexure "E".
- g) According to the Respondent, they have already given reply to the letter received from complainant Harsha J. Thakkar dated 16.02.2022 vide reply CCF/N/complaint dated 24.02.2022, clarifying all the doubts about the high bill dispute for 10 months till billing month Nov. 2020 and also the replacement and testing report of the new meters No.M200960 and N201717. In the past the respondent has replied to the e-mails received from J.M.Thakkar regarding the above mentioned high bill complaints on 02.11.2021. The respondent has also explained all the queries/points regarding the billing complaints to complainant Harsha J. Thakkar personally at the time of her visits to the ward office of the respondent. The copies of the above correspondence are produced by the respondent as annexure "F" with their reply.
- h) For all the aforesaid reasons, the Respondent has pleaded in their reply that the present complaint filed before this Forum has no merits and hence it is liable to be dismissed.
- 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:

Sr. No.	Points for determination	Findings
1.	Whether the demand made by the Respondent to pay the bill for consumption of electricity from billing month April 2020 to 3 rd August 2020 based on readings of meter No. L981247 is correct and justifiable?	In affirmative.
2.	Whether the demand made by the Respondent to pay the bills for the consumption of electricity, based on readings of meter No.M200960, for the billing period from 3 rd August 2020 till 26.03.2021, is correct and justifiable?	In affirmative.
3.	Whether the demand made by the Respondent to pay the bills for the consumption of electricity for the billing period from 26.03.2020 till the filing of the present complaint, based on readings of meter No. N201717 is correct and justifiable?	In affirmative.
4.	Whether the complainant is entitled for the relief of rectification/reduction in the amount demanded by the respondent in the electric bills, issued during the aforesaid disputed billing period, towards electric charges .?	In negative.
5.	Whether the complainant is entitled for the relief of rectification in the amount demanded by the respondent in the electric bills towards interest etc, as sought in the complaint?	In negative.
6.	Whether the complainant is entitled for the relief of direction to the respondent to give receipt of the amount of Rs. 2,000/- and to give the original report of test of meter?	In negative.
7.	What order should be passed to dispose of this grievance application?	The grievance application filed before this forum is liable to be dismissed.

6.0 We record reasons, for the aforesaid findings recorded on point no. 1 to 7 as under:

- a) It may be noted that the instant complaint/grievance application filed before this forum states that the complainant has grievance about high billing after the billing month of March 2020 and with reference to this, the complainant has made number of complaints to the respondent's various officials by paper complaints as well as through e-mails. The complainant has produced copies of e-mailed complaints with her complaint filed before this forum. In the complaint she has requested that those complainants be seen while deciding her grievances mentioned in the grievance application. We have seen the copies of those e-mailed complaints/communications produced by the complainant with the present grievance application before this forum. From this, we find that the complainant has stated in her letter dt. 24th Feb. 2022, produced at page 95 with the grievance application, that, "When I started getting random high bills in lockdown for March 2020 to Dec. 2020, I had made an initial paper complaint in person in Nov. 2020." We also find that the complainant has stated in her letter dt. 18th Nov. 2021, produced at page 97 with the grievance application, that "I am awaiting honest resolution of my initial complaint filed in Nov 2020 where estimated bills have still not been corrected by Mr. Chavan who keeps on sending faulty high random bills with late charges adding up due to lethargy on part of his office to scrutinize the entire bill corrections required." In the course of hearing the complainant filed a copy of email dtd. 13/07/2020 sent by the consumer on the website of CGRF under General Complaint, which was auto-forwarded to Customer Care Ward. In the said complaint lodged on website of CGRF it was stated that "High bill payment for July 2020, all previous bills till June 2020 have been paid". It appears that this complaint was replied by Customer Care of the Respondent on 19/07/2020. The said reply was to the effect that the actual meter reading for billing month April-May-June 2020 could not be taken due to lockdown and billing for these months was done based on estimated consumption as per previous months' consumption and the actual meter reading was taken in the month of July 2020 and accordingly the billing has been done as per the said meter reading. From the aforesaid circumstances it appears that after the Respondent's reply dtd. 19/07/2020, the complainant has complained about high bill for the first time in the November 2020. It may be noted that before any such complaint given in November, 2020, the meter bearing No.L981247 was already replaced by the new meter No. M200960 on 3rd August, 2020. It also does not appear that the complainant had ever requested to get the old meter No. L981247 tested from any laboratory. She has not produced copy of any such application for testing of this meter. In view of this, the billing done by the respondent for the billing period starting from April 2020 to 3rd August 2020 will have to be examined only on the basis of the reading shown by and recorded from the meter No. L981247.
- b) It may be noted that for the billing month of March 2020, the reading of consumption of electricity from the site was taken from the old meter No. L981247 on 03.03.2020 and the reading was 70930.

- c) It is not disputed that due to spread of Covid-19 virus, the government had imposed lock down from mid March, 2020 onward. The case of the respondent can not be disputed that during the lock down period of Covid-19, the activities of meter reading at site were suspended as per the directions of MERC. Therefore, the actual meter reading for bill-months of April, May and June 2020 could not be taken. As per the directions of the MERC in this regard, the billing for the bill-months of April, May and June 2020 was done based on estimated consumption as per the actual reading taken about the consumption of previous bill-month i.e. March, 2020. The reading for the bill-month of March, 2020 was taken on 3rd March 2020 and the reading was 70930. The consumption for the bill-month March, 2020 was 438 units, as per the above reading taken from the meter No.L981247 at site. According to the Respondent, after 3rd March, 2020, the actual reading was taken on 02.07.2020 from the meter No.L981247 at site. On 02.07.2020 the reading taken was 73962 and this reading was taken for the bill-months April, May, June and July, 2020 i.e. for four months. Thus, according to the Respondent, during these four months of April, May, June and July 2020, total units consumed were 3032. These consumed 3032 units were billed in the month of July, 2020 by dividing the same in the four months of April, May, June and July, 2020 and proportionately as per the number of days falling in those months. Thus the aforesaid 3032 units were divided in four parts so as to give necessary slab benefit to the consumer as per the prevailing tariff schedule. Thus, the bill calculations in July, 2020 were based on actual meter reading taken at site and as per the difference of readings taken on 3rd March, 2020 and 2nd July, 2020. On such calculation and recalculation, the billing done for billing in the months April, May and June, 2020 has been reversed and credited as that billing was based on estimated consumption. It is also submitted by the respondent that the new tariff rates have been implemented from the date of 01.04.2020 and the same have been considered while doing calculation of bills for consumption after 01.04.2020. In this regard the respondent has produced the document called Re-estimated-bill-calculation-report as annexure "A" with their reply. According to the respondent, it has also compared the above consumption of 3032 units recorded in April, May, June and July, 2020 with the consumption 2595 units, recorded in April, May, June and July, 2019. We have perused the documents produced by the respondent with their reply and we find that the documents produced by the respondent corroborate their case that in the months of April, May, June and July 2019 the consumption was 2595 units and in the corresponding period in the year 2020 it was 3032 showing no material and significant difference in the consumption pattern of two corresponding period of the year 2020 and 2019. It is true that the consumption in the period from April, 2020 to July, 2020 is more by 437 units than the consumption of 2595 units recorded in the period from April, 2019 to July, 2019. Whatever difference is there, it is not significant in view that there was lock down from middle of the month of March 2020 and it has been generally experienced that during lock down people were required to stay at home resulting into more utility of electricity than the normal days without lockdown. Therefore, the above procedure adopted by the respondent for billing during period for the billing month of March 2020 till 3rd August 2020 based on the reading of the old meter No. L981247 cannot be found fault with. Therefore, we have recorded negative findings on point No. 1.

- d) About the demand made by the Respondent to pay the bills for the consumption of electricity, based on readings of meter No. M200960, for the billing period from 3rd August 2020 till 26.03.2021, it may be noted that meter No.M200960 was installed on 3rd August, 2020. However, in view of the continuing complaints regarding high billing, the respondent replaced that meter by new meter No.N201717 on 26.03.2021. After removal of meter No.M200960, the respondent tested this meter in their laboratory in presence of the complainant's representative Shri Arif Shaikh on 22.04.2021 and in that test it was found that the meter was defective because it was running slow in accuracy test. The respondent referred the meter to the manufacturer, but the manufacturer reported that the meter was accurate. The respondent has produced the report of the manufacturer in this case. The complainant has disputed the said testing reports produced by the respondent and urged the reports are forged one. Hence it is her case that her contentions that the meter was recording higher consumption than the actual consumption, be upheld. We have examined the documents on record as above and we do not find merits in the above submissions of the complainant because complainant cannot challenge the above case of the respondent unless it is shown that the complainant had requested the respondent to get the meter tested from laboratory of National Accreditation Board for Testing and Calibration (NABL) by paying cost of it under the provisions of clause 15.6.2 of the Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Standards of performance of Distribution Licensees Including Power Quality) Regulations framed by the Maharashtra Electricity Regulatory Commission under the Electricity Act 2003. The said regulation provides that distribution licensee (BEST undertaking) has right to test accuracy of any meter at any time. It is also provided that consumer can pay the necessary charges and make an application to the distribution licensee (BEST undertaking) to get the meter tested at their laboratory and if the consumer is not satisfied with the result of the test of laboratory of the distribution licensee (BEST undertaking), he can get it tested at the National Accreditation Board for Testing and Calibration (NABL) by paying cost of it. The complainant has not produced any document showing that she had given any written application to the respondent, requesting to test the meter at the laboratory of the respondent or at the laboratory of the NABL. She has submitted that amount of Rs. 2,000/- was paid by her to BEST Undertaking's staff Brijesh Upadhye to send the meter to lab for testing, but she has not produced any office copy of application addressing to the BEST Undertaking to this effect. In absence of such proof, her contention that she paid the testing charges or she applied for lab testing cannot be accepted. Thus there is no proof to show that the complainant applied for testing of meter at the lab of NABL. In view of these circumstances the test report of lab of the respondent will have to be relied upon, which says that the meter No. M200960 was running slow. Had the respondent applied this result of the testing, the billing would have been higher than the billing actually done by the respondent for the consumption of electricity, based on readings of meter No.M200960, for the billing period from 3rd August 2020 till 26.03.2021, in view of the provisions of clause 16.4.1 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Standards of performance of Distribution Licensees Including Power Quality) Regulations, 2021 (hereinafter it shall

be referred to as MERC Supply Code) framed by the Maharashtra Electricity Regulatory Commission under the Electricity Act 2003. It provides that in case of defective meter, the billing shall be done in accordance of the result of lab testing of the meter. Therefore, we hold that the demand made by the Respondent to pay the bills for the consumption of electricity for the billing period from 3rd August 2020 till 26.03.2021 based on readings of meter No.M200960, is correct and justifiable. Hence, we have recorded affirmative findings on point No. 2.

- e) About the demand made by the Respondent to pay the bills for the consumption of electricity, based on readings of meter No.N201717, for the billing period from 26.03.2021 till filing of this complaint before this forum, it may be noted that meter No. N201717 was installed on 26.03.2021. However, it appears, from the e-mail copies dated from 28.05.2021 onward, that the complaints about high bills were continued even after installation of new meter No.N201717 from the side of the complainant. According to the respondent in view of the complaint received from the complainant regarding high billing, the respondent's official visited the site and tested the meter No.N201717 on 12.06.2021 and found its accuracy within 0.66 percent and the result of the testing was OK. The report of testing of the official is produced by the respondent as annexure "E" with their reply. We have perused it. The complainant has denied the result of the said testing. However, we have seen the copy of e-mail dt.17.06.2021, produced by the complainant at page 105. In this e-mail, it has been admitted by the complainant that the BEST staff did visit the premises on 12th June, 2021. In this e-mail, it is further stated by the complainant that "The new meter No. N201717 was not properly installed and was not reading in KW prior to your staff coming. I informed them on 12th and during their visit on 12th they tried to reset it to read in KW. So the faulty high bill sent to us showed a jump in current charges by Rs. 9,000/- in one month which is again NOT a true actual consumption of 2 family members living on the premises." From these contentions of the complainant, it appears that the complainant wants to challenge accuracy of the new meter No.N201717. However, it appears that the respondent's official has visited the site and tested the meter and found it to be correct. In view of such report, it was for the complainant to exercise her rights to get the meter tested by paying the necessary charges and by making application for testing at the lab under the procedure laid down in clause 15.6.2 of MERC Supply Code. As no copy of such application is produced before this forum, it appears that no application was made and the above procedure does not appear to have been followed by the complainant. Hence report of the test done by the official of the respondent at the site will prevail. In view of this we hold that the demand made by the Respondent to pay the bills for the consumption of electricity, based on readings of meter No.N201717, for the billing period from 26.03.2021 till filing of this complaint before this forum, is correct and justifiable. Therefore, we have recorded affirmative findings on point No.3.
- f) The complainant has requested for the relief of rectification in the amount demanded by the respondent in the electric bills towards electric charges and interest on unpaid bills. However, while recording our findings on points (1) to (3) above, we have held that the demands made by the respondent in the bills issued by them for the billing

month from April, 2020 onward are correct and justifiable. In view of such findings recorded as above by us, we do not find that the complainant is entitled for the relief of rectification in the amount demanded by the respondent in the electric bills towards electric charges and interest on unpaid bills. Therefore, we have recorded affirmative findings on point No.4 and 5.

- g) The complainant has requested for the relief of direction to the respondent to give receipt of the amount of Rs. 2,000/- allegedly paid by her to the respondent's official namely Brijesh Upadhye. As far as the claim of the complainant that she paid the amount of Rs.2,000/- is concerned, it may be noted that it is her case that this payment was made by her to one Brijesh Upadhye, an employee of the respondent, for getting the meter tested at the lab. Herein earlier, we have referred to the provisions of clause 15.6.2 of the MERC Supply Code/Regulations, framed by the Maharashtra Electricity Regulatory Commission, under the Electricity Act 2003. The said regulation provides that distribution licensee (BEST undertaking) has right to test accuracy of any meter at any time. It is also provided that consumer can pay the necessary charges and make an application to the distribution licensee (BEST undertaking) to get the meter tested at their laboratory and if the consumer is not satisfied with the result of the test of laboratory of the distribution licensee (BEST undertaking), he can get it tested at the National Accreditation Board for Testing and Calibration (NABL) by paying cost of it and by making necessary application. The complainant has not produced any document showing that she had given any written application to the respondent, requesting to test the meter at the laboratory of the respondent or at the laboratory of the NABL. In absence of such proof, the claim of the complainant that she paid the said amount to the respondent and she is entitled to get receipt of it from the respondent cannot succeed before this forum. Therefore, we have recorded negative findings of point No. 5.
- h) The complainant has requested for the relief of direction to the respondent to give the original report of test of the meter. It appears that the respondent has tested the meter No. M200960 in its laboratory and found it to be defective as it was found to be slow and, therefore, the respondent referred the meter to its manufacturer, but the manufacturer reported it to be accurate. It appears that complainant has asked the relief to get these reports of the test of meter. From the documents produced by the respondent as annexure "C" it appears that testing in the lab of the respondent was done in presence of the complainant's representative Shri Arif Shaikh. At page 18/C the report of lab of respondent shows signature of Arif Shaikh acknowledging his presence at the time of the testing as representative of the complainant. Copy of letter dt. 23.02.2022, produced at page 21/C by the respondent with their reply shows that it was sent by Dy. Engineer of Meters Dept. stating that the report of the test of meter No. M200960 was handed over to the representative of the consumer. Moreover, in the course the present proceedings before this Forum, the respondent has filed copies of these reports of labs of the respondent and the manufacturer with their reply and the same have been served upon the complainant. In view of such circumstances, the

complainant is not entitled for any direction for giving reports of tests of the said meter. Hence we have recorded negative findings on point No.6.

- i) In view of the findings recorded by us on point no. (1) to (6) as above, we hold that the complainant is not entitled for any relief from this forum and, therefore, the instant grievance application is liable to be dismissed. Accordingly, we have answered point no. (7). Hence, we pass the following order:

ORDER

- 1.0 The Grievance No.FN- 452-2022 dtd. 25/03/2022, is hereby dismissed.
- 2.0 Copies of this order be given to all the concerned parties.

Sd/-
(Shri. S.S. Bansode)
Technical Member

Sd/-
(Smt. Anagha A. Acharekar)
Independent Member

Sd/-
(Shri S.A. Quazi)
Chairman