

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(N)-133-2012 dt . 07-02-2012

Mr. K. Umashankar TiwariComplainant

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 : Shri. K. Umashankar Tiwari

On behalf of the Respondent : 1. Shri. Shivadas V. Fulpagare, Supdt.
2. Shri. Vijay P. Sawant, AOCC(F/N)

Date of Hearing : 15/03/2012

Date of Order : 21/03/2012

Judgment by Shri. R.U. Ingule, Chairman

Mr. K. Umashankar Tiwari, 14, Kalpak Estate, D-15, S.M. Road, Antop Hill, Mumbai - 400 037 has come before the Forum for his grievances regarding amendment claim pertaining to A/c no. 776-628-049*9.

Complainant has submitted in brief as under :

- 1.0 The complainant has approached to IGR Cell on 25/01/2012 regarding his grievance of unlawful and illegal demand of Rs. 3,39,406.62 made by BEST Undertaking and threat to disconnect the electric supply at his premises. The complainant has approached to CGRF in schedule 'A' on 06/02/2012 as he is not satisfied with the reduced bill of Rs. 2,68,837.00 till dtd. 18/07/2011. The complainant has requested the Forum to cancel the illegal demand of sum of Rs. 2,68,837.00 bill dtd. 18/07/2011 and subsequent bill of Rs. 2,77,999.00 bill dtd. 17/01/2012 raised by BEST Undertaking and requested to raise a regular bill of Rs. 714.70.

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

- 2.0 Respondent stated that complainant, Shri K. Umashankar Tiwari having A/c. No. 776-628-049 had registered complaint dtd. 07.02.2008 with Respondent stating that he has received a bill of Rs.3,43,013.00 in the month of Oct. 2007 (28.11.2007 to 31.12.2007) was excess compared to his energy consumption & considering average monthly bill between Rs.1,500/- to 2,000/- The bill was for 29874 units consumption in a month as per the readings reported by the Meter Reader on 24.12.2007.
- 3.0 Respondent further stated that on receipt of the complaint dtd. 07.02.2008, Consumers Meter No. E006035 was tested at site by accucheck on 08.03.2008 & test results were found within permissible limits of accuracy. However, all seals of the meter were observed to be missing. As such, case was referred to Respondent's Vigilance Dept. for vigilance clearance. The meter was replaced by Vigilance Dept. by Meter No. H086442. The old meter No. E006035 was opened by Vigilance Dept. in presence of complainant however, no abnormality was observed. The meter was once again tested at Respondent's Meters & Relays Dept. on 26.08.2010 & test results were found within permissible limits of accuracy. The units of 29,874 (Reading 33472 less 03598) billed in the month of Dec. 2007 were distributed slab wise and average consumption of 1394 units were charged and complainant was given credit difference of Rs.97,614.85.
- 5.0 Complainant approached under Annexure - 'C' vide their application dtd. 25.01.2011 regarding grievances of unlawful and illegal demand of sum of Rs.3,39,406.62 by Respondent & threats to disconnect the electricity of the premises. In reply to Annexure - 'C' complainant was informed that, after carrying out DR/CR, he was given credit of Rs.97,614.85 in the month of June 2011 and Delayed Payment Charges of Rs.7,150.38 & Interest from March 2008 to Feb., 2011 amounting to Rs.1,91,812.41 was waived and that the same will be credited in his ensuing electricity bill. It is true that a letter was sent to consumer dtd. 30.12.2010 to pay arrears of Rs.5,25,997.00
- 6.0 As already stated no abnormality was observed in Meter No. E006035 when opened by Vigilance Department in presence of complainant. Test results of the meter done in M & R Department were found within permissible limits of

accuracy. The consumption of 29,874 units recorded by the meter in Dec. 2007 were distributed to give slab benefit to the consumer and credit of Rs.2,96,577.64 (D.P. Charges Rs.7,150.38 + Interest Rs.1,91,812.41 + Energy Charges Rs.97,614.85) was given to the consumer, assuming that the 29874 units were not consumed in one month. At the same time, it was assumed that the meter reading brought by the Meter Reader prior to the reading taken on 24.12.2007 was not correct.

- 7.0 As per Respondent, electricity bills raised are correct and the complainant is therefore, liable to pay the bills. The Hon' ble Forum is therefore, requested to pass the order in favour of us.

REASONS :

- 8.0 We have heard the complainant in person and Shri Vijay P. Sawant, AOCC(F/N), Shri. Shivadas V. Fulpagare, Supdt. for the Respondent BEST Undertaking. Perused documents.
- 9.0 Totally erroneous and high handed action taken by the Respondent BEST Undertaking in serving an exorbitant bill on the complainant for the month of December, 2007, has been writ large on the very face of the record placed before this Forum. We find that a meter provided to the complainant has allegedly recorded consumption of 29874 units in the month of December, 2007. It is therefore total arrears amount of Rs. 5,59,454.67 was initially worked out by the BEST Undertaking and later on the same was deducted by Rs. 2,96,577.64 in the month of June, 2011. The Respondent BEST Undertaking therefore contends that as per the bill raised for the June, 2011 the complainant is liable to pay the remaining amount of Rs. 2,68,837.000.
- 10.0 However, we do not find an iota of merit in the claim of arrears made against the complainant by the Respondent BEST Undertaking. In this connexion it would be pertinent to advert to the observations submitted by the Respondent BEST Undertaking in para (C) of its written statement submitted before this Forum. In this submission it has been stated on behalf of the BEST Undertaking that the consumption of 29874 units recorded by the meter assigned to the complainant in the month of December, 2007 were distributed to give slab benefit to the consumer and credit of Rs. 2,96,577.64 was given to the consumer, assuming that the 29874 units were not consumed in **one month**. At the same time, it was **assumed** that the meter reading brought by the Meter Reader prior to the reading taken on 24/12/2007 was not correct.
- 10.0 On the backdrop of the aforesaid candid submission made by the Respondent BEST Undertaking, it would be significant to peruse the **Ledger Folio** placed before this Forum by the Respondent. On perusing this Ledger Folio this Forum finds that during a period from July, 2004 to November, 2010 we find on an average the complainant has consumed the electricity at the most 550 units in a month and not more than that. It is only in the month of December, 2007 the consumption of unit by the complainant has been shoot up to 29874 units.

- 11.0 It is therefore needless to observe that there has been sudden abnormal consumption of units recorded by the meter provided to the complainant and that by the Meter Reader. At this juncture this forum finds it significant to advert to site testing report placed before this Forum by the Respondent BEST Undertaking. This site testing report manifest the quantity and wattage of the electric appliances such as CLF bulbs and tube lights fitted by the complainant in his premises.
- 12.0 This Forum finds that the representative of the BEST has also candidly agreed that despite of using all the appliances for 24 hrs. in a day for a complete month then also it would never reach the consumption recorded in the month of December, 2007 viz. 29874 units. Besides it knowing full well this state of affair as observed above the Respondent BEST Undertaking resorted to take a stand and stance that it is required to assume that the said 29874 units were not consumed in *one month* and therefore it was required to further assume that the meter reading brought by the Meter Reader prior to the reading taken on 24/12/2007, was not correct.
- 13.0 It is therefore blatantly manifest that on one hand the Respondent BEST Undertaking candidly admitting that the meter provided to the complainant can not record such abnormal consumption of 29874 units in a single month of December, 2007. Therefore, the Respondent BEST Undertaking in order to explore some justification and warrant to charge the complainant for consumption of such a huge and abnormal alleged consumption of 29874 units for a month of December, 2007, illegal venture in distributing the same till the date of installation of the meter, making a bold statement that the previous reading recorded by the Meter Reader has not been correct.
- 14.0 We thus find the entire action taken by the Respondent BEST Undertaking being highly unsustainable and untenable in fact and in law. Needless to observe that it is highly improper and illegal on the part of the Respondent BEST Undertaking to burden a consumer with a huge amount of Rs. 2,68,837.00 being an electricity charges entirely resting on *assumption* and *presumption* as observed above.
- 15.0 At this juncture, we may also advert to a letter under the signature of Dy. Engineer, F/N (S) dtd. 24/02/2009 wherein the said officer of the Respondent BEST Undertaking has candidly noted that considering the complainant's connected load it is highly impossible to consume 29874 units appearing in the month of December, 2007. Therefore, the consumption has been a counter jumping (defective) case and therefore consumer's bill is required to be specifically amended referring to the past / recent steady consumption pattern.
- 16.0 In considered view of this Forum this letter itself speaks a volume about a reality and state of affair in respect of the consumption of electricity by the complainant in the month of December, 2007, and the un-sustainability in the claim mad by the Respondent BEST Undertaking.

- 17.0 In view of the aforesaid observation and discussion this Forum is of the consider opinion that the consumption of 29874 units recorded by the meter provided to the consumer in December, 2007 has been an obvious case of recording a total false consumption of electricity. Therefore, the Respondent BEST Undertaking is required to be directed to work out the consumption of the electricity for the month of December, 2007 on taking an average of consumption of electricity in a *preceding period of 12 months* and to amend the bill accordingly for serving the same on the complainant to enable him to make the payment.
- 18.0 We may further observe that the interest and delayed payment charges to be levied on the arrears, needs to be waived as there is no any fault on the part of the complainant but the same we find at the doorstep of the Respondent BEST Undertaking.
- 19.0 This Forum find the complainant is liable to be allowed. Accordingly, we do so.

ORDER

1. Complaint no. N-F(N)-133-2012 dtd. 07/02/2012 stands allowed.
2. The Respondent BEST Undertaking has been directed to work out the electricity charges payable by the complainant for the month of December, 2007 on the basis of average of electricity consumption by the complainant in a preceding period of 12 months.
3. The Respondent BEST Undertaking further directed not to levy any interest and delayed payment charges on the aforesaid arrears payable by the complainant.
4. The Respondent BEST Undertaking has been directed to prepare the amended electricity charges bill as observed above, and serve the same on the complainant within a period of fortnight in the light of the observation made above. Complainant to pay the said charges within a period of fortnight from the date of receiving such amended bill.
5. The Respondent BEST Undertaking has been directed to report the compliance of this order, within a period of one month there from.
6. Copies be given to both the parties.

(Smt Varsha V Raut)
Member

(Shri S P Goswami)
Member

(Shri R U Ingule)
Chairman