

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)-211-2013 dtd. 31/10/2013

Shri Manoj Gopal PanchalComplainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Quorum : Chairman
Shri R U Ingule, Chairman

Member
1. Shri M P Thakkar, Member

On behalf of the Complainant : 1. Shri Manoj G. Panchal

On behalf of the Respondent : 1. Shri B.K. Shelke, DECC(F/S)
2. Shri Sunil B. Tokekar, AAM(F/S)

Date of Hearing : 29/11/2013

Date of Order : 09/01/2014

Judgment by Shri. R.U. Ingule, Chairman

Shri Manoj Gopal Panchal, Shed no. 18/2, Cheda Niwas Chawl, Mahadev Palav Marg, Curry Road (E), Parel, Mumbai – 400 012 has come before the Forum for dispute regarding high bill due to increase in unit consumption in the month June 2013 pertaining to A/c 667-013-083*8.

Complainant has submitted in brief as under :

- 1.0 The complainant has approached to IGR Cell on 26/08/2013 for grievance regarding high bill due to increase in unit consumption in the month June 2013 pertaining to A/C 667-013-083*8 . The complainant has approached to CGRF in schedule 'A' dtd. NIL (received by CGRF on 30/10/2013) as he was not satisfied by the remedy provided by the IGR Cell Distribution Licensee regarding his grievance. The complainant has requested the Forum to bill him on the basis average consumption and meter to be tested.

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

- 2.0 Meter Number H084284 was installed on 08/11/2008 for the applicant Shri Manoj Gopal Panchal premises with sanctioned load of 0.34 Kw. The consumer has sent electricity bill amounting to Rs 18,010.00 in the month of June 2013 for 1585 units consumed.
- 3.0 The complainant's meter Number H084284 was tested on 15/07/2013 and found O.K. The complainant has paid Rs 5000/- as adhoc payment, as the complainant was not satisfied with site testing of meter.
- 4.0 The complainant has filed high bill complainant on 02/08/2013. The meter Number H084284 was removed on 30/08/2013 for laboratory test. The said meter was tested in the laboratory on 12/09/2013 and found that the meter was working within permissible limits of accuracy. Again the said meter was tested in the laboratory in presence of the complainant on 14/10/2013 and found accurate.
- 5.0 The complainant was not satisfied with the laboratory testing of the said meter, he has approached to CGRF.

REASONS

- 6.0 We have heard the complainant in person and for the Respondent BEST Undertaking Shri B.K. Shelke, DECC(F/S) along with Shri Sunil B. Tokekar, AMM (F/S).
- 7.0 The controversy raised in the instant complaint, moves in a very narrow compass. The complainant has contended that he has been provided with a meter no. H 084284 with electricity load of 0.340 kw. The complainant further averred that his monthly electricity consumption has been around 100-110 units per month. Accordingly he has been paying the electricity bill. Thereafter during a period from February 2013 to June 2013 the same

has been raised to around 200 units. However, in the month of June 2013 the said electricity consumption shoot up to 1585 units, which has been exorbitant and unfeasible one. The complainant further contended that in the next month i.e. in July 2013 the electricity consumption has come down to 85 units. The complainant therefore challenged the consumption of 1585 units being impracticable and exorbitant along with a request to send the said meter for testing to the manufacturing company.

- 8.0 This Forum further finds that out of alleged exorbitant electricity bill of Rs. 18,301.00 the complainant has paid Rs. 5,000.00 as the charges in the arrears for the month of July 2013. We further observe that on submitting a complaint in Form 'C' to the IGR, the same has been replied by the Respondent BEST Undertaking by stating therein that on receiving the complaint in respect of meter no. H 084284, the same was tested in the lab on two occasions. On one occasion in the presence of the complainant himself, to find the said meter being properly recording electricity consumption. The Respondent BEST Undertaking therefore while replying the complaint in Form 'C' has directed the complainant to pay the bill as the meter has recorded the proper reading.
- 9.0 This Forum further finds that when the complainant has approached this Forum, the Respondent BEST Undertaking vide its written statement placed before us has submitted that while entertaining the complaint made by the complainant in respect of meter no. H 084284, it has requested its MRE Dept to send the said meter for testing to the manufacturer. This Forum finds said request placed before us at Exhibit 'G' dtd. 11/11/2013. This Forum further finds it pertinent to note that in the said written statement the Respondent BEST Undertaking has requested us either to direct the complainant to pay the outstanding bill based on actual electricity recorded by the said meter, OR the instant case may be reviewed after receipt of its report from the manufacturer.
- 10.0 This Forum thus observes that till the arguments were advanced before us by the Respondent BEST Undertaking, at no point of time, it was neither averred by the Respondent BEST Undertaking that the charges for carrying out such test on the meter no. H084284 needs to be borne by the complainant nor it was informed to him, as envisaged under Regulation 18 read with 14.4.2 provided under MERC (Electricity Supply Code & Other Conditions of Supply) Regulation 2005.
- 11.0 This Forum further observes that during the arguments advanced before us, the representative appearing for the Respondent BEST Undertaking, on its own submitted its ready and willingness to send the said meter for testing to the IDEMI at government approved lab at Mumbai. The representative of the Respondent BEST Undertaking has also undertaken to submit written application to this effect before this Forum within a period of a week. However, to our surprise thereafter vide its letter dtd. 12/12/2013 for the first time it is informed to this Forum that the charges needs to be borne by the complainant himself to carry out such test. This Forum learnt that thereafter the Respondent BEST Undertaking has proceeded to send a letter to this effect to the complainant for paying such charges to the said government lab to carry out the test of the said meter in question.

- 12.0 Now under such peculiar facts and circumstances this Forum observes that in the first place till the arguments were advanced before this Forum in the present complaint there was not even a whisper made by the Respondent BEST Undertaking in respect of the charges to be borne by the complainant to carry out the test either by the government authority or the manufacturer of the said meter. This Forum on the backdrop of such admitted set of facts, observes that now the Respondent BEST Undertaking cannot take the complainant by surprise by directing him to bear the charges to carry the test on the meter in question.
- 13.0 In the interest of justice, therefore this Forum holds that as an exceptional case in given set of facts, it would be appropriate to direct the Respondent BEST Undertaking to carry out the test of meter in question at its expense either through the manufacturer of the said meter or through the government authorized lab as convenient to it. Accordingly, as prayed by the Respondent BEST Undertaking itself in its written statement, the instant case will be decided finally after receiving the report of testing of the meter.
- 14.0 In the aforesaid observation and discussion this Forum proceeds to pass the following order.

ORDER

- I The Respondent BEST Undertaking has been directed to send the meter no. H 084284 for testing at its expense, either to its manufacturer or to the government lab IDEMI at Mumbai as per its convenience within a period of one month from the date of passing this order and submit the report to this Forum after receiving the same at the earliest, for passing the final order accordingly
- II Till then the final order in the instant complaint kept in abeyance.
- III Copies be given to both the parties.

(Shri S.M. Mohite)
Member, CPO

(Shri M P Thakkar)
Member

(Shri R U Ingule)
Chairman