

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. S-EA-176-2012 dtd. 06/12/2012

M/s. Nakshatra InvestmentComplainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Quorum : Chairman
Shri R U Ingule, Chairman

Member
1. Shri M P Thakkar, Member
2. Shri S M Mohite, Member

On behalf of the Complainant : 1. Shri Anand Vishwakarma

On behalf of the Respondent : 1. Shri R.S. Kale, DEEA
2. Shri A.Y. Khan AEEA-4
3. Shri U.D. Junnare, AOEA-1
4. Shri J.B. Pereira, Foreman

Date of Hearing : 11/01/2013

Date of Order : 05/02/2013

Judgment by Shri. R.U. Ingule, Chairman

M/s Nakshatra Invest. & Trading Co.(P) Ltd., 402/403, Lotus House, Next to Liberty Cinema, New Marine Lines, Mumbai - 400 020 has come before the Forum for grievance regarding high bill / defective meter pertaining to A/c no. 100-021-331.

Complainant has submitted in brief as under :

1.0 The complainant has approached to IGR Cell on 04/10/2012 for grievance regarding high bill / defective meter pertaining to A/c no. 100-021-331. The complainant has approached to CGRF in schedule 'A' dtd. 27/11/2012 (received by CGRF on 04/12/2012) as no remedy is provided by the Distribution Licensee regarding their grievance. The complainant has requested the Forum to direct the Licensee to refund the excess amount paid by him for the month of July & Aug 2012 considering the bills prior to July 2012 and latest bill.

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

- 2.0 In March-2012, the BEST Undertaking had decided to replace old Secure make meters, prone to magnetic interference a tampering which were purchased during the year 1995 and 1996. Accordingly, letters were sent to all the consumers who were using these meters stating that meter will be replaced for technology upgradation.
- 3.0 On 26.4.2012, a letter was sent to M/s.Nakshatra Investments & Trading Co.(P) Ltd., stating that the meter no.P961122 will be replaced for technology upgradation. Accordingly, meter no.P961122 was replaced by meter no.P111208 on 8.6.2012 in presence of consumer representative Mr.Anand and undertaking letter is also given by Mr.Anand agreeing for replacement of meter.
- 4.0 On 7.8.2012, we have received high bill complaint letter from M/s.Nakshatra Investments & Trading Co.(P) Ltd. On 9.8.2012, site testing of meter no.P111208 was carried out by our Foreman Mr.John B.Pereira in presence of consumer's representative Mr.Anand. During the testing Mr.Pereira observed that a capacitor was found connected to the consumer's installation on accucheck testing of the meter while capacitor in service, the meter was found 11.25% fast. The same was informed to Mr.Anand. Mr.Pereira asked Mr.Anand to immediately arrange to disconnect the capacitors as due to this capacitor, consumer's unit consumption of Electrical energy was increased.
- 5.0 Mr.Anand then requested to our Foreman to disconnect the capacitor if he can. As per Mr.Anand's request the capacitor was disconnected by Mr.Pereira. After disconnection of capacitor, meter was tested once again with accucheck and found to be working within permissible limit of accuracy, same was shown to Mr.Anand and a letter was also given to him on 9.8.2012 stating that the meter was found to be working within permissible limit of accuracy.
- 6.0 Applicable tariff for consumer A/c 100-021-331 is LT II a. This tariff is not based on power factor. Hence, capacitor is not required for such consumer. Still a capacitor was found connected in consumer's installation.
- 7.0 On 4.10.2012, consumer made a complaint in 'C' form which was replied on 12.10.2012 alongwith site test report. The site test report dtd. 9.8.2012 is showing that while capacitor was in ON condition, the meter was showing +11.25% error and capacitor in OFF condition, the meter was showing the error as -0.83%. Then the complainant made a complaint in Annexure 'A' form.

- 8.0 As per load survey of meter no.P111208 prior to disconnection of capacitor i.e. before 9.8.2012, it is observed that consumption units are also recorded during night & after closing office hrs. As per recent load survey, it is observed that meter no.P111208 is not recording consumption units during the night or after the closing of office hrs.
- 9.0 As per consumption pattern of meter no.P111208 when capacitor was continuously in service, it is observed that meter was recording average 110 units per day till the disconnection of capacitor.

Period	Consumption in kwh unit
Consumption for the period 8.6.2012 to 29.6.2012	2559
29.6.2012 to 31.7.2012	3502
31.7.2012 to 31.8.2012	1244
31.8.2012 to 28.9.2012	443
29.9.2012 to 31.10.2012	635

From above record, it is clearly understood that the consumption after disconnection of capacitor became normal.

- 10.0 BEST has issued bills based on actual consumption recorded by meter no. P111208 which was found working within permissible limits of accuracy during the site testing on 9.8.2012 with capacitor in `off' condition. Meter has recorded higher consumption during the period from 8.6.2012 to 9.8.2012 due to defective capacitor. After disconnection of capacitor the meter has regained the earlier average consumption which is about 700 units per month. This clearly proves that now meter is registering correct consumption.
- 11.0The capacitor bank was in complainant's installation and was found defective and as such, the responsibility of ensuring its healthiness and operation (switch IN / switch OFF) lies with him. For this consumer, having LT II a tariff, capacitor is not required.
- 12.0 During the site testing by accucheck it was observed that the accuracy was not within limit. After the investigation it was found that it was due to connection of defective capacitor with the load which leads to inaccuracy in the meter registration. The same was shown and informed to the complainant. The maintenance of capacitor is the responsibility of the consumer. As such in LT-II a tariff, installation of capacitor is not necessary and also upkeep of capacitor is the responsibility of the consumer, the bills issued by BEST may be treated as accurate since they are based on actual consumption by meter no. P111208.
- 13.0 The complainant may not be allowed to produce any more evidences before the Hon'ble CGRF during the hearing of the case without giving us an opportunity to offer our comments. The complainant may not be allowed to change the facts of the case presented in his application.

REASONS :

- 14.0 We have heard Shri Anand Vishwakarma for the complainant and Shri R.S. Kale, DEEA, Shri A.Y. Khan, AEEA-4, Shri U.D. Junnare, AOEA-1 and Shri J.B. Pereira, Foreman for the Respondent BEST Undertaking. Perused documents.
- 15.0 The controversy raised in the instant complaint by the complainant moves in a very narrow compass. Admittedly the Respondent BEST Undertaking on the ground that the old meters were prone to magnetic interference therefore replaced old meter no. P 961122 provided to the complainant with a new meter no. P 111208 on 08/06/2012 in presence of the complainant.
- 16.0 This Forum finds that after installation of said new meter no. P 111208 on 08/06/2012, the complainant complained to the Respondent BEST Undertaking in regard to a high bill received by him, vide its letter dtd. 07/08/2012. We find that thereafter on 09/08/2012 the Foreman of the Respondent BEST Undertaking has conducted a site testing of the said meter in presence of representative of the complainant Shri Anand. Accordingly, we find the site testing report placed before us at Exhibit 'F'. During the said testing the Foreman of the Respondent BEST Undertaking observed that due to *capacitor* being connected in the complainant's installation, the meter was found to be running fast by 11.25%. The Foreman therefore accordingly informed Shri Anand the representative of the complainant and on his request immediately disconnected the same.
- 17.0 This Forum further observes that the Respondent BEST Undertaking further contends that after disconnection of the *capacitor*, the Foreman had tested the said meter once again with accu-check to find the same working within permissible limit of accuracy. Thus this Forum finds that as per the contention raised by the Respondent BEST Undertaking during the period wherein the complainant has received the electricity bill i.e. July and August 2012 on higher side, was sheerly due to the *capacitor* being used in the installation by the complainant. Therefore, the moment the *capacitor* was disconnected, the meter started functioning within a permissible limit of accuracy. To conclude on this aspect, this Forum finds that in regard to receiving the electricity bill on higher side for the month of July and August 2012, the Respondent BEST Undertaking has been casting the entire blame on the complainant for using the *capacitor* in its installation.
- 18.0 Now in this connexion, this Forum observes that admittedly using the *capacitor* in the installation by the consumer has not been banned or prohibited by the Respondent BEST Undertaking. In fact the said *capacitor* was in use in the installation prior to installation of the new meter no. P 111208 on 08/06/2012. Neither the same was objected to, nor the complainant was receiving the electricity bill on higher side due to installation of such *capacitor*. It is therefore blatantly manifest that the new meter no. P 111208 now provided by the Respondent BEST Undertaking has not been *compatible* and *complemental* to the use of capacitor.
- 19.0 This Forum further observes that the Respondent BEST Undertaking has candidly admitted in para 1.7 of its written statement that as per its load survey of new meter no. P 111208, prior to disconnection of *capacitor* i.e. before 09/08/2012 it has been observed that the consumption units are also recorded after closing of office hours.

This Forum therefore clearly observes that despite the electricity was not consumed by the complainant consumer, the new meter was recording the consumption units and it was well within the knowledge of the Respondent BEST Undertaking.

- 20.0 Now to conclude, this Forum is of a view that when the use of *capacitor* was not prohibited or banned and when it was noticed by the Respondent BEST Undertaking that the capacitor was not *compatible* with the new meter, therefore during the period under consideration the meter was running in erratic way i.e. it was running fast by 11.25%. To reiterate, it was also noticed by the Respondent BEST Undertaking that after closing of office hours the said meter was recording consumption of electricity units. Therefore in our view, it is highly unsustainable and unbecoming on the part of the Respondent BEST Undertaking to charge the complainant consumer with such a heavy bill, when in fact he has not consumed the electricity units as shown in the bills served on him. We therefore find every merit in the contention raised by the complainant.
- 21.0 Before we part with this order, we may further observe that in the written submission placed before us, the Respondent BEST Undertaking has contended that the said meter has recorded higher consumption during the period from 08/06/2012 to 09/08/2012 due to *defective capacitor*. However, we do not find any iota of evidence placed before us to show that the said capacitor was tested by them in any manner to find out such alleged defect in it. It is therefore obvious that the complainant would be liable to pay the electricity charges during the period when the meter was running fast on the basis of average monthly consumption of the said meter when it was running within a permissible limit of accuracy.
- 22.0 In the aforesaid observation and discussion we find the complaint liable to be allowed. Accordingly we do so.

ORDER

1. The complaint no. S-EA-176-2012 stands allowed.
2. The Respondent BEST Undertaking is hereby directed to serve the electricity bill on the complainant for the month of July and August 2012 on the basis of average monthly bill during the preceding period of 12 months when the old meter no. P 961122 was in operation.
3. The compliance of this order to be informed to this Forum within a period of one month therefrom.
4. Copies be given to both the parties.

(Shri S M Mohite)
Member

(Shri M P Thakkar)
Member

(Shri R U Ingule)
Chairman