

**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 S-D-392-2019 dtd. 25/09/2019**

Mrs. Bina N. Bhansali .....Complainant

V/S

B.E.S.&T. Undertaking .....Respondent no

Present

Chairman

Quorum : Shri V. G. Indrale, Chairman

Member

1. Dr. M.S. Kamath, Member CPO

On behalf of the Respondent no : 1. Shri R.D. Waikar, Ag. DECCD  
2. Shri H.V. Patankar, AAOCCD

On behalf of the Complainant : 1. Mrs. Bina N. Bhansali

Date of Hearing : 18/11/2019

Date of Order : 19/11/2019

**Judgment by Shri. Vinayak G. Indrale, Chairman**

Mrs. Bina N. Bhansali, 12 A, Oceanic, 1<sup>st</sup> floor, Off B.Desai Road, Opp. Breach Candy Hospital, Rajabai Patel Road, Mumbai - 400 026 has come before the Forum for dispute regarding charging of estimated bills for the period from 01/11/2018 to 01/02/2019 pertaining to a/c no. 466-159-175.

**Complainant has submitted in brief as under :**

The complainant has approached to IGR Cell dated 26/08/2019 received on 26/08/2019 for dispute regarding charging of estimated bills for the period from 01/11/2018 to 01/02/2019 pertaining to a/c no. 466-159-175. The complainant has approached to CGRF in schedule 'A' dtd. 10/09/2019 received by CGRF on 24/09/2019 as complainant was not satisfied by the remedy provided by the IGR Cell.

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

- 1.0 Smt Bina N Bhansali came before the Forum regarding her dispute about giving estimated bill for the period 01/11/2018 to 01/02/2019 by considering previous twelve months average consumption pertaining to A/c 466-159-175\*9 and requested for refund by considering the average consumption of previous year's winter season consumption.
- 2.0 Electric supply has given to the complainant's premises under reference through meter N064667 having A/c 466-159-175\*9. This meter had recorded consumption as 126930 units on 01/11/2018. At the time of taking meter reading on 04/12/2018, it was observed that meter reading was not visible i.e. Display Not Visible. Hence meter reading could not be taken. Hence meter is to be replaced by new one. The complainant consumer was informed vide letter dated 29/01/2019.
- 3.0 Meter N064667 was replaced by meter N 191476 on 30/01/2019. Thus consumption was not available for the period 01/11/2018 to 30/01/2019.
- 4.0 The complainant was billed on average metered consumption for previous twelve months for the period as per Regulation 15.4.1 of MERC ( Electricity Supply Code & Other Conditions of Supply ) Regulation - 2005 by the system. Electricity bill raised in the month of December 2018 to February 2019 by the system are correct and payable by the complainant.

**REASONS**

- 1.0 We have heard the complainant in person and for the Respondent BEST Undertaking Shri R.D. Waikar, Ag. DECCD, Shri H.V. Patankar, AAOCCD. Perused the documents filed by the complainant along with Schedule 'A' and documents filed by the Respondent BEST Undertaking along with written statement.
- 2.0 The complainant has vehemently submitted that the Respondent BEST Undertaking has carried out the amendment as per Regulation 15.4.1 by taking average of earlier 12 month's consumption and charged electricity bill for the month of November 2018 as 1110 units, for the month of December 2018 as 1115 units and for the month of January 1119 units in which period the meter was removed as it was defective.

- 3.0 The complainant has further submitted that as the meter was defective which is not due to the fault of the complainant and it was for the Respondent BEST Undertaking to replace it at the earliest and thereby certainly she would get the benefit of less consumption of electricity due to winter season. So she has submitted that average electricity bill charged for the month of November 2018 to January 2019 is not proper and requested to charge it on the basis of electricity consumption as per earlier year for the month of November 2017 to December 2017 and January 2018.
- 4.0 The Respondent BEST Undertaking has submitted that the meter was not showing the display when the meter reader went to take the reading on 04/12/2018 and therefore they removed it as defective meter and accordingly they have charged average bill for earlier 12 months as per Regulation 15.4.1 of MERC (Electricity Supply Code and Other Conditions of Supply) Regulation, 2005.
- 5.0 Considering the above said submission we have cautiously gone through the record and it appears that the Distribution Licensee i.e. Respondent BEST Undertaking has not at all taken any steps to test the meter on site as well as in lab. Even though the meter was not showing display, it was incumbent on the part of the Respondent BEST Undertaking to test it in lab and to know it whether meter is defective or not. Without adopting the procedure as laid down in Regulation 15.4.1, the Distribution Licensee has jumped upon the conclusion that meter was defective and carried out the amendment as per Regulation 15.4.1. We think it just and proper to reproduce the Regulation 15.4.1 of MERC (Electricity Supply Code and Other Conditions of Supply) Regulation, 2005.

#### ***15.4 Billing in the Event of Defective Meters***

***15.4.1 Subject to the provision of Part XII and Part XIV of the Act, in case of a defective meter, the amount of the consumer's bill shall be adjusted, for a maximum period of three months prior to the month in which the dispute has arisen, in accordance with the results of the test taken subject to furnishing the test report of the meter along with the assessed bill.***

***Provided that, in case of broken or damaged meter seal, the meter shall be tested for defectiveness or tampering. In case of defective meter, the assessment shall be carried out as per clause 15.4.1 above and, in case of tampering as Section 126 or Section 135 of the Act, depending on the circumstances of each case.***

***Provided further that, in case the meter has stopped recording, the consumer will be billed for the period for which the meter has stopped recording, up to a maximum, period of three months, based on the average metered consumption for twelve months immediately preceding the three months prior to the month in which the billing is contemplated.***

- 6.0 If we perused the procedure laid down in Regulation 15.4, it was incumbent on the part of Distribution Licensee to test the meter as in the said Regulation “the meter shall be tested for defectiveness or tampering”. It was necessary to know whether meter was tampered or it was defective. This attitude on the part of employees of the Respondent BEST Undertaking appears to be most negligent and overlooked the provision of Regulation 15.4 and as per their whim they jumped upon conclusion that the meter was defective and therefore they have taken the recourse of provision of Regulation 15.4.1. Thus this attitude on the part of the Respondent BEST Undertaking appears to be illegal and controversy to Regulation.
- 7.0 Having regard to the above said observation, we find substance in the contention of the complainant that she was entitled only to pay the electricity charges for the month of November 2018 to January 2019 such as 970,1069 and 658 respectively as average drawn by Respondent is contrary to the Regulation 15.4. Thus we rely upon the submission made by the complainant and think it just and proper to direct the Respondent BEST Undertaking to charge electricity bill for the month of November 2018 to January 2019 on the basis of earlier year’s consumption during that period which was 970 units for November 2017, 1069 units for December 2017 and 658 units for January 2018.
- 8.0 Having regard to the above said observation the complaint deserves to be allowed. In result we pass the following order.

**ORDER**

- 1.0 The grievance no. S-D-392-2019 dtd. 25/09/2019 stands allowed.
- 2.0 The Respondent BEST Undertaking is hereby directed to charge electricity consumption for the month of November 2018 to January 2019 on the basis of earlier year’s consumption i.e. 970 units for November 2017, 1069 units for December 2017 and 658 units for January 2018 for the said period.
- 3.0 Accordingly, the Respondent BEST Undertaking is directed to issue revised electricity bill for the period November 2018 to January 2019 and adjust the excess amount paid by the complainant in her ensuing electricity bill.
- 4.0 The Respondent BEST Undertaking is directed to comply with the order within one month from the date of receipt of the order and report the compliance within 15 days thereafter.
- 5.0 Copies of this order be given to the concerned parties.

sd/-  
(Dr. M.S. Kamath)  
Member

sd/-  
(Shri V.G. Indrale)  
Chairman