

		Date	Month	Year
1	Date of Receipt	29	10	2020
2	Date of Registration	03	11	2020
3	Decided on	18	12	2020
4	Duration of proceeding	45 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 N-GN-413-2020 dtd.03/11/2020

Shri Rammanohar YadavComplainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Chairman

Coram : Shri S.A. Quazi, Chairman

Member

1. Shri R.B. Patil, Member

On behalf of the Respondent : 1. Shri Sunil B. Yadav

On behalf of the Complainant : 1. Shri Shyamm Yadav

Date of Hearing : 26/11/2020

Date of Order : 18/12/2020

Judgment

- 1.0 The complainant has requested this Forum to direct the Respondent to withdraw the demand of bill of Rs. 6,284/- for the period from April 2020 to July 2020.
- 2.0 The grievance of the complainant may be summarized as under :
 - a) The consumer is supplied electricity by the Respondent through two meters no. N115962 (Tariff LT-III A- Ind) and meter no. U167701 (Tariff LT-II A- Commercial). The registered consumer with the Respondent is one Shri Rammanohar Yadav, whereas the said consumer Shri Rammanohar Yadav has died long back in the year 1998. The present complainant Shri Shyamm Yadav is legal heir of deceased consumer. Due to the dispute between landlord and the consumer, the name of the heir of deceased consumer has not been recorded by the Respondent so far. In such circumstances, the said Shri Shyamm Yadav sought permission to file the complaint as he is legal heir of the deceased consumer Shri Rammanohar Yadav. Accordingly, the complaint has been filed before this Forum by the said representative, Shri Shyamm Yadav.
 - b) The main grievance of the complainant is that the Respondent had been giving bills for the month of April, May and June 2020 for the aforesaid two meters of the said premises. The complainant has paid those bills. However, the complainant has received bill in the month of July 2020 in which the aforesaid amount of Rs. 6,284/- has been demanded by the Respondent contending that this amount includes the bills of April, May & June 2020 on actual reading taken for the bill for July 2020.
 - c) The complainant had given the complaint to Internal Grievance Redressal Cell (IGRC) and put his grievance that despite paying the bills for the month of April, May and June, in the bill of July bills for April to June have been included and thus aforesaid demand is illegal. The IGRC has rejected the aforesaid complaint. Being aggrieved by the said rejection the complainant has approached this Forum for redressal.
- 3.0 The Respondent has given reply to the aforesaid complaint before this Forum in writing. The submissions as put forth by the Respondent, in their reply, may be stated in brief as under :-
 - a) It is not disputed that the registered consumer is Shri Rammanohar Yadav and he has expired long back and the present representative / complainant Shri Shyamm Yadav is representing the deceased consumer, in this complaint.
 - b) It is also not disputed that the said complainant Shri Shyamm Yadav had given complaint to the IGRC and the IGRC has rejected the said complaint. According to the Respondent, the said rejection is done rightly.

- c) It is further submitted by the Respondent that due to lockdown on account of Covid-19 pandemic, some of the outdoor activities such as taking meter reading, bill distribution etc. were suspended. The complainant is having two meters as described herein earlier and his a/c no. is 623-269-001.
- d) As such bills for the lockdown period were system generated on estimated average based on earlier consumption i.e. 459 units for the month of April, 46 units for the month of May and June 2020 each (Total 551 units) for meter no. N115962 and 81 units for the month of April, 8 units each for the month of May and June (Total 97 units) for meter no. U167701. However, in the month of July 2020, the meter reading activity of the Respondent has been restarted. Therefore, the bills generated in the month of July 2020 are as per the actual recorded consumption during the period from 09/03/2020 to 08/07/2020. The same is amounting to Rs. 6,280/- and therefore this amount is debited in the bill of July 2020 after due adjustment. As there is only one slab for tariff LT-III A- Ind and LT-II A-Commercial as per MERC Regulations, slab benefit does not involve. Hence, after recording of actual consumption, and after deducting estimated units there from, rest of the units have been charged in the bill for the month of July 2020.
- e) The bill of July 2020 includes 508 units of meter no. N115962 and 206 units for the meter no. U167701, totally amounting to Rs. 1,859.52. So the total amount for the month of July 2020 is Rs. 6,280/-.
- f) The Respondent has further contended that the aforesaid bills have been calculated on the basis of the revised tariff rates w.e.f. April, 2020. The aforesaid bill of Rs. 6,280/- was calculated after taking into account the payment received from the consumer as per system records and in respect of estimation of bills for the period from April to June 2020.
- g) For all the aforesaid reasons, IGRC has rightly rejected the complaint of the complainant and thus the complaint has no merit in this case. Therefore, the Respondent has urged before this Forum to dismiss the present complaint.
- 4.0 We have heard the submissions of the parties. They have made their submissions as per their contentions in their respective pleadings and documents placed by them before this Forum. Summary of their submissions made before this Forum may be stated as under.
- a) The complainant Shri Shyamm Yadav (Representative of the deceased consumer Shri Rammanohar Yadav) has submitted that in the bill of July 2020, the Respondent had demanded the bills for the month of April, May and June 2020, which the complainant had already paid and which were given on estimation. It is submitted that the Respondent should have taken actual reading and should have given the bills in the respective months of April, May and June 2020. But as the Respondent has failed to do so, now the Respondent cannot demand further amount for these months. It is

further submitted by the complainant that the demand made as such for the consumption for April, May, June and also July 2020 is based on the higher rates of tariff. It is submitted that the Respondent has never given any prior notice to the consumer for increase in the tariff rate. Without giving such prior notice, the Respondent cannot charge the increased rate of tariff from April 2020 onwards. He has submitted that the Hon'ble Supreme Court in the case of Vodafone has given guidance in this regard that without giving notice, the Licensee cannot apply increased rate of tariff retrospectively. However, the complainant could not give particulars like names of parties, date of decision, case number and reporter in which it is reported nor has produced any copy of this judgment of the Hon'ble Supreme Court and we could not find out any such judgment. The complainant has further submitted that there was no consumption as shown in the bill of July 2020. It is submitted that from April 2020 onwards there was lockdown due to covid-19 epidemic and there was no business done by him during this period, therefore, also the said demand is illegal and high. For all these reasons the complainant has submitted that the complaint may be allowed and the Respondent may be directed to withdraw the demand.

- b) The Respondent's representative, Shri Sunil B. Yadav has submitted that as far as the bills issued prior to July 2020 are concerned, they were on the basis of estimation for the month from April to June 2020 and not on the basis of actual reading. The Respondent was to follow the guidelines of MERC during the lockdown due to covid-19 epidemic and therefore the actual reading could not be taken by the Respondent by visiting the site. In this regard, the Respondent's representative has relied on the practice direction given by MERC dtd. 23/03/2020. It is further submitted that the complainant has not made any complaint about the defect in the meter and therefore the contention of the complainant that the actual meter reading is not correct, cannot be considered. The representative of the Respondent has further submitted that as the bill is based on actual reading of the meter, it cannot be considered whether the business was done by the consumer or not during the lockdown because the bills are to be given on the basis of meter reading which is taken actually in the month of July 2020. The representative of the Respondent has also submitted that the submissions of the complainant may be discarded that the notice has not been given about increased rate of tariff. It is submitted that the Respondent has published the increased tariff rates on their website in the first or second week of April 2020. He has also placed on record a copy of such publication in the form of Press Note about revised electricity tariff applicable from 01/04/2020. Apart from the above publication on website, in each bill from April 2020 served on the complainant, it is mentioned that new tariff order is applicable from 01/04/2020 and MYT Tariff Order and Tariff Schedule are available on www.bestundertaking.com. In support of this submission, the Respondent has filed two bills dtd. 21/04/2020 and 20/05/2020. The Respondent has also relied on documents marked as Appendix A- E to their reply and payment ledger annexed to their reply. Appendix 'A' is Complaint to CGRF, Appendix 'B' is Death Certificate, Appendix 'C' is Consumption Pattern, Appendix 'D' is Electric Bill and Appendix 'E' is copy of Regulation 15.3 of MERC Regulation about Billing in the absence of Meter Reading. The said regulation 15.3.1 provides, as under :

- 15.3.1 *In case for any reason the meter is not accessible, and hence is not read during any billing period, the Distribution Licensee shall send and estimated bill to the consumer.*

Provided that the amount so paid will be adjusted after the readings are taken during the subsequent billing period(s).

- 5.0 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 complainant is entitled for the relief of direction to the Respondent to withdraw the aforesaid demand of Rs. 6,280/- ?	No
2	What order is to be passed ?	The complaint is dismissed.

- 6.0 **For the aforesaid finding on the points for determination we record our reasons as under :**

- a) As far as the submission of the complainant is concerned that the Respondent cannot charge the increased rate of tariff from 01/04/2020, we have noted earlier that in this regard he has referred to guidelines of Hon'ble Supreme Court in the case of Vodafone. However, he has not given particulars of that judgment nor has he produced copy of that judgment. Without such particulars it is not possible to consider aforesaid reliance of the complainant. However, his submission that prior notice has not been given to him about increased rate of tariff, cannot be considered as correct for the reason that the Respondent has produced copy of Press Note. It is said to have been published on the website of the Respondent on or about first or second week of April 2020. Moreover, admittedly the complainant was served with the bills in the month of April, May and June 2020. The Respondent has produced the copies of the bills for the month of April and May 2020. In both the copies of bills it is mentioned on backside that new tariff order is applicable from 01/04/2020, and MYT tariff order and tariff schedule are available on Respondent's website i.e. www.bestundertaking.com. We think that this is sufficient notice and therefore it cannot be said that the Respondent is charging increased rate of tariff without giving prior notice to the complainant. Hence, aforesaid submission of the complainant cannot be accepted.
- b) The another submission of the complainant is that the Respondent should have taken actual reading during the period of April to June 2020. This submission is also not acceptable because the Respondent was prevented from visiting the site and taking

actual reading of the consumption because of the circumstances prevailing in the city due to rapid spread of corona virus and lockdown was imposed by Government. In this regard, the MERC had issued practice direction dtd. 26/03/2020. The copy of this practice direction is produced by the Respondent in this case before the Forum. On going through it, we find that the MERC had directed to all the Licensees that considering the critical situation and to ensure full implementation of Government directives to ensure social distance in order to control the spread of Covid-19 and in order to avoid public interface of Distribution Licensee's personnel, the Distribution Licensee may suspend non essential service which require visiting consumer premises or meeting consumer in person i.e. Meter Reading, Billing, Offline bill collection at Bill Payment Centres, release of new connections etc. In view of this, the grievance of the complainant that the Respondent should have taken actual reading during aforesaid period cannot be said to be just and proper. Therefore, the bills given on estimation during April to June 2020 and thereafter in the month of July 2020, the bill is prepared on the basis of actual reading cannot be said to be illegal.

- c) As far as the high bill complaint of the complainant is concerned, during the course of hearing, on the submission of Respondent's representative, the complainant has not pressed the said complaint about wrong reading of the meter during the period from April to June 2020.
- d) For all these reasons, we find that the complaint has no merit and therefore we hold that the complainant is not entitled for the relief of direction to the Respondent to withdraw the aforesaid demand of Rs. 6,280/-. Accordingly, we have recorded negative finding on point no.1 and we hold that the instant complaint is liable to be dismissed. Accordingly, we proceed to pass the following order.

ORDER

- 1.0 The grievance no. N-GN-413-2020 dtd. 03/11/2020 stands dismissed.
- 2.0 Copies of this order be given to all the concerned parties.

sd/-
(Shri. R.B Patil)
Member

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