

		Date	Month	Year
1	Date of Receipt	17	08	2021
2	Date of Registration	17	08	2021
3	Decided on	25	11	2021
4	Duration of proceeding	100 days		
5	Delay, if any.	40		

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-HVC-439-2021 dtd. 17/08/2021

M/s Spenta EnterprisesComplainant
V/S

B.E.S.&T. UndertakingRespondent

Present

Chairman

Coram : Shri S.A. Quazi, Chairman

Member

1. Smt. Anagha A. Acharekar, Independent Member
2. Shri S.S. Bansode, Technical Member

On behalf of the Respondent (1) : 1. Shri Jayant Lande

On behalf of the Complainant : 1. Shri Iqbal Qureshi

Date of Hearing : 22/11/2021

Date of Order : 25/11/2021

Judgment

- 1.0 This complaint/application was received and registered on 17/08/2021 in the office of the Forum. However, due to pandemic of Covid-19, lockdown was declared by the Government from 23/03/2021 onwards and it was extended from time to time and subsequently the guidelines were issued by MERC in that respect. The complainant was not ready for hearing through Video Conferencing. For these reasons, the matter could not be heard for long period. Now the lock down conditions have been relaxed to some extent. Therefore, the matter was fixed for hearing physically on 22/11/2021. Accordingly, the matter was heard on 22/11/2021 and was reserved for passing judgment. Hence, now the judgment is being given. For these reasons the matter could not be decided within the time prescribed by the MERC Regulations. Therefore, the delay of 40 days has occurred in deciding this complaint.
- 2.0 The complainant has grievance about high amount of bill pertaining to the period from March 2020 to November 2020. The complainant's case may be stated as under :
- a) The complainant is a residential consumer of electricity supplied by the Respondent / Distribution Licensee. According to the complainant it is a housing society and for car lifting there is a lift in their premises and for that separate electric connection has been given vide consumer a/c no. 102-001-543.
- b) It is submitted that for the period from March 2020 to November 2020, the complainant has been receiving the high bills. Prior to March 2020, the consumption was not beyond 60 units per month. However, in March 2020, the consumption was shown in the bill as 3051 units. Then in April, May and June 2020 each, the consumption of 3051 was shown. In July 2020 the consumption of 16825 units, in August 2020, 4083 units, in September 2020, 3948 and in October 2020, 4139 units were shown. Therefore, the complainant lodged the complaint with the Respondent Undertaking's Customer Care Dept. The Customer Care Dept. visited the site and found that the meter was not displaying the reading. Therefore, in November 2020, the average bill was given on the basis of the previous month's bill i.e. bill of October 2020 at the rate of 4192 units.
- c) According to the complainant, thereafter, the meter was changed and after changing the meter, the newly installed meter is functioning correctly and now the consumption is not beyond 270 units. In such circumstances, it is submitted by the representative of the complainant that during the period from March 2020 to November 2020, the Respondent Undertaking has charged the complainant on higher side which is probably because of the defect in the meter during that period. Therefore, it is submitted that the Respondent be directed to reduce the bills for the said period.

3.0 The Respondent/ Distribution Licensee has appeared and filed reply before this Forum and has opposed the aforesaid grievance application of the complainant. The case put forth by the Respondent Undertaking in their reply as well as in the submissions made before this Forum by their representative Shri Lande may be stated as under :

- a) It is submitted that the high billing during the aforesaid period from March 2020 to October 2020 may be because of the complainant was using electricity through the connection of a/c 102-001-543 for other purposes unauthorizedly and probably for lifting of water because during this period the electric connection of the complainant's society was disconnected for non-payment of the electricity bills of that connection given for water lifting separately.
- b) In November 2020, the complainant had given complaint to the Respondent Undertaking about high billing and therefore the Respondent Undertaking visited the site but the meter was found not displaying the reading. Therefore, the meter was changed and new meter is now giving the reading not beyond 270 units. It is submitted by the representative of the Respondent Undertaking that in November 2020 the complainant's society had applied for new connection in respect of water pump which was given accordingly. Therefore, the consumption of the instant consumer a/c no. 102-001-543 was reduced to the normal reading as was prior to the period from March 2020. This shows that the reading during the month of March 2020 to October 2020 was because of the electricity taken by the complainant unauthorizedly from this meter. It is submitted that for the month of November 2020, the bill was given on the basis of average of earlier 3 months' consumption.
- c) In view of the aforesaid submission, the representative of the Respondent Undertaking has urged that the complaint about high billing has no merits and it is liable to be dismissed.

4.0 We have heard the submissions of parties and noted their submissions as above. 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 billing was high abnormally during the period from March 2020 to October 2020 as per the reading of the meter ?	In negative.
2	Whether the Respondent Undertaking has charged the complainant in the month of November 2020 correctly when the meter was not displaying the reading ? If no, then what should be the correct calculation of the billing	The Respondent has incorrectly charged in the month of November 2020 and correct charging can be at the rate of 4057 units for this

	for this month ?	month.
3	What order should be passed ?	The complaint is disposed off in terms of the directions is being given in the operative order herein below.

5.0 We record reasons for aforesaid findings as under :

- a) The statement produced by the Respondent shows that the complainant has got the a/c no. 102-001-543 for car lifting purpose. The complainant has also lift no. 1 & 2 and for each of them, the complainant has got separate connections. The complainant had fourth connection in respect of water pump and staircase. The dispute raised by the Respondent before this Forum is in respect of the connection about car lifting and in respect of the connection about the water pump and staircase. No doubt the consumption about car lift from November 2019 to February 2020 is not beyond 43 units and from December 2020 to November 2021 the consumption is not beyond 270 units. However, during March 2020 to October 2020, the consumption is respectively 3051, 3051, 3051, 3051, 16825, 4083 and 3948. It is not disputed that the consumption of 3051 units shown in the bill of March 2020 was on the basis of actual reading taken from the meter. The bills and the consumption shown therein from March, April and May 2020 was on the basis of average billing due to lockdown implemented by the State authorities and directions given by MERC. In July 2020 when the actual reading was taken, the consumption for the period from April 2020 to July 2020 was noted from the meter as 16825 and the bills were adjusted in view of this actual reading for the period from April to July 2020. In August 2020, the consumption was 4083 units, and in September and October 2020, the consumption was shown as 3948 and 4139 units respectively on the basis of actual reading. Thus, the billing for the period from March 2020 to October 2020 can be said to be on the actual readings taken from the meter. No doubt, the consumption during this period from March 2020 to October 2020 appears to be on higher side than the normal consumption recorded earlier to March 2020 and after November 2020. The question is whether such high consumption recorded by the meter can be said to be due to any defect in the meter ? However, the answer to this question will have to be given in negative, firstly for the reason that readings were taken from the meter actually and from March 2020 to November 2020 the complainant did not make any complaint about any such high consumption shown by the meter.
- b) The complainant gave the complaint only in November 2020 and immediately thereafter one Respondent's official visited the site. He found that the meter was not displaying the reading. It shows that the complainant gave complaint only after taking new connection for water pump on 27/10/2020. The complainant has not explained during the course of hearing when the representative of the Respondent Undertaking was alleging that for lifting of water, probably the complainant was taking electricity unauthorizedly from the connection given for car lift during the period from March 2020 to October 2020, as during this period there was no connection for water lifting and

staircase. Whatever may be the reason, the billing was done by the Respondent for the period from March 2020 to October 2020 on the basis of actual reading taken by the Respondent's officials merely because in November 2020 the meter was found not displaying the reading, it cannot be said that during the aforesaid period from March 2020 to October 2020 the reading was incorrect on account of fault in the meter. The high consumption probably may be for the aforesaid reason that during the said period the complainant was not having any connection for lifting of water and staircase and may be for lifting water and staircase, supply was taken unauthorizedly through this connection. As it is based on actual reading, no fault can be found in the billing. Hence, we have recorded affirmative findings on point no. (1).

- c) As regards the bill of November 2020 it is not disputed that in this month the complainant had given complaint to the Respondent Undertaking about high bill and therefore the Respondent's official visited the site and found that the meter was not displaying the reading. Consequently, the new meter was installed and old meter was removed. In view of this, it can be said that in the month of November 2020, the meter was in defective condition. In such circumstances for the month of November 2020, the Respondent Undertaking should have charged the complainant on the basis of average of the consumption of three months preceding the month of November 2020 in view of the provision of clause 16.4 of MERC (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021. The preceding 3 months are August 2020 to October 2020 and during these 3 months, the consumption has recorded by the meter was 4083, 3948, 4139 units respectively. The total of these 3 months' consumption comes to 12170 units and if it is divided by 3, the answer comes to 4057 units. Therefore, the Respondent was entitled to charge the complainant for these 4057 units consumption for the month of November 2020. However, the Respondent / Distribution Licensee had actually charged the complainant in the month of November 2020 for consumption of 4192 units which appears to be incorrect in view of the aforesaid calculations of 3 months' average. Accordingly we have recorded our findings on point (2) and with regard to point no. (3), we held that the complaint deserves to be allowed partly with directions to the Respondent Undertaking to modify the bill for the month of November 2020 so as to charge the complainant for that month for consumption of 4057 units only. Accordingly, point no. (2) & (3) are answered and we pass the following order.

ORDER

- 1.0 The grievance no. S-HVC-439-2021 dtd. 17/08/2021 stands partly allowed in following terms.
- 2.0 The Respondent Undertaking is directed to modify the bill of November 2020 under clause no. 16.4.1 in respect of bill for the month of November 2020 for consumption of 4057 units only and to give appropriate credit to the complainant.

- 3.0 The Respondent Undertaking shall comply with these directions within two billing cycles.
- 4.0 In these terms the complaint stands disposed.
- 5.0 Copies of this order be given to all the concerned parties.

Sd/-
(Shri. S.S. Bansode)
Technical Member

Sd/-
(Smt. Anagha A. Acharekar)
Independent Member

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