

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(N)-199-2013 dtd. 11/07/2013

M/s Himatlal Tribhovandas Shah & CoComplainant

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 Rajesh H. Gosalia

On behalf of the Respondent : 1. Shri. M.Y. Shethwala, Supdt. CC(F/N)
2. Shri. D.K. Lambhate, AAM CC(F/N)
3. Shri. D.T. Malvankar, Supervisor

Date of Hearing : 05/09/2013

Date of Order : 06/09/2013

Judgment by Shri. R.U. Ingule, Chairman

M/s Himatlal Tribhovandas Shah & Co., C-314, Antop Hill Warehousing Complex, VIT College Road, Wadala (E), Mumbai - 400 037 has come before the Forum regarding high bill in the month of December 2011 pertaining to meter no. N095399 & A/c 770-191-227*0. This meter was replaced by meter no. M095085 on 28/02/2012. Old meter no. N095399 tested in lab on 05/10/2012 and found correct in accuracy and dial but RTC (Real Time Clock) found defective.

Complainant has submitted in brief as under :

1.0 The complainant has approached to IGR Cell on 07/05/2013 for grievance regarding bill raised in the month of December 2011 pertaining to A/c 770-191-227*0. The complainant has approached to CGRF in schedule 'A' dtd. 08/07/2013 (received by CGRF on 09/07/2013) as he was not satisfied by the remedy provided by the Distribution Licensee regarding his grievance. The complainant has requested the Forum to redress with his grievance in regard to the bill raised during the period of defective meter.

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

- 2.0 M/s Himatlal Tribhuvandas Shah & Co. had register complaint under Vidushi KLG No. 1323486 dtd. 17.01.2013, against A/c No. 770.191.227, for high billing received by him from the month of December 2012. Investigation was carried out and meter was found defective.
- 3.0 The consumer was charged zero units for September 2011 as meter reading was not available and subsequently charged to 2802 units in the month of October 2011. This is rectified by giving slab-benefit as the meter reading in the month of October 2011 was correct.
- 4.0 In the month of December 2011, the meter no. N095399 has recorded meter reading as 23291 i.e monthly consumption recorded as 4826. In the month of January 2012 and February 2012 meter reading was recorded as zero. This meter was tested and replaced by meter no. M094085 on 28/02/2012. Hence amendment bill was preferred for the period 09/11/2011 to 28/02/2012 (replacement of the meter) by considering base period as 09/11/2010 to 09/11/2011 and average 1421 units.
- 5.0 Following reliefs are given to the complainant
 - 5.1 Credit of Rs. 1,517.45 towards energy charges, reflected in the bill of July 2013.
 - 5.2 Credit of Rs. 3,910.15 towards DP charges for the period January 2012 to January 2013, reflected in the bill of July 2013.
 - 5.3 Credit of Rs. 4,151.71 towards penalty interest for the period of February 2012 to January 2013, reflected in the bill of July 2013.
 - 5.4 Credit of Rs. 4,978.07 toward DP charges and penalty interest for the period February 2013 to July 2013 being refunded through the bill of August 2013.
- 6.0 The consumer is liable to pay Rs. 1,15,726.93 as on July 2013 out of which the consumer has paid Rs. 69,164/- as a part payment on 26/07/2013.

REASONS

- 7.0 We have heard Shri Rajesh Gosalia for the complainant and for the Respondent BEST Undertaking Shri M.Y. Shethwala, Supdt. CC(F/N), Shri. D.K. Lambhate, AAM CC(F/N). Perused papers.
- 8.0 This Forum finds the instant matter, being an open and shut case. The complainant *inter-alia* contends that he has raised two grievances vide his complaint no. KLG1323486 dtd. 17/01/2013. His complaint about 'defective meter' has been resolved by changing the meter in the month of March. However, in respect of the high bill raised for the period in which the meter was defective, a credit of Rs. 9,579.31 has been given vide DECC(F/N)/Annex'C' 79/11118/2013 dtd. 26/06/2013. Hence, the complainant has sought a relief that the bills raised by the Respondent BEST Undertaking during the defective meter period needs to be redressed with entirely and not partially.
- 9.0 On perusing the records, this Forum finds that while replying the grievance raised by the complainant vide Annexure 'C', the Respondent BEST Undertaking has replied that in redressal of his grievance credit entry of Rs. 1,417.45 for incorrect bill and Rs. 3,910.15 for DP charges and Rs. 4,151.71 for interest charges, as such total credit entry for Rs. 9,579.31 has already been passed by the Respondent BEST Undertaking to be reflected in the ensuing electricity bill to be served on the complainant.
- 10.0 The Respondent BEST Undertaking further contended that as the complainant disputed for high bill, an investigation was carried out in which the meter was found 'defective'. Therefore, on 28/02/2012 meter no. N095399, EMCO make, was replaced by meter no. M094085. The meter no. N095399 was sent to the laboratory for official testing and it was tested on 05/10/2012, wherein meter was found to be *correct in accuracy test and dial test*. However, the same was found RTC defective.
- 11.0 This Forum on perusing this laboratory report placed before us by the Respondent BEST Undertaking at Exhibit 'E' finds that the meter no. N095399 admittedly tested on 05/10/2012 and found that it had no defect in regard to recording the units of consumption of electricity by the complainant. This Forum further, observes that in a column provided for "Reading Details" the display of the unit by the said meter no. N095399 by M & R Dept. has been recorded as 22334 units, while the Commercial Dept. has recorded 2233 units.
- 12.0 At this juncture this Forum finds it significant to advert to the document viz. "debit/credit note" maintained by Customer Care (F/N) Dept. placed on file at Exhibit 'H'. In this document for effecting debit/credit adjustment in regard to the complainant for a period 09/08/2011 to 04/04/2012 in respect of meter no. N095399 the details of the units charged as per the ledger has been provided along with respective date of such reading. Therein this Forum finds that the reading recorded in the ledger on 03/02/2012 has been shown as "22333". The endorsement against this figure has been passed being recorded at the time of removing the meter for carrying out official test on 28/02/2012.
- 13.0 This Forum therefore finds that the reading registered in the ledger, by the meter no. N095399 on 03/02/2012, has been 22333 at the time of removal of the meter. The

same has been confirmed on perusing a test report dtd. 05/10/2012 of Meter Testing Dept. at Exhibit 'E', wherein the said meter no. N095399 found correct in accuracy test, has also recorded last reading as 22333. In consider view of this Forum therefore, when a correct reading recorded by the meter no.N095399 was available at the time of removal of the same. Obviously therefore there was no reason available for the Respondent BEST Undertaking for considering any past period such as 09/11/2010 to 09/11/2011 to work out any 'average consumption of unit' on the ground of the meter no. N095399 allegedly found to be defective. To conclude, this Forum finds that the Respondent BEST Undertaking ought to have worked out the electricity charges payable by the complainant on the basis of the last reading recorded by the correct meter no. N095399 viz. 22333 at the time of its removal viz. dtd. 28/02/2012.

- 14.0 In the aforesaid observation and discussion it is blatantly manifest on the very face of the documentary evidence placed before this Forum by the Respondent BEST Undertaking itself, that the exercise undertaken by its F/N ward has been erroneous one and there is every warrant and justification available for this Forum to direct the concerned ward to work out the correct electricity bill on the basis of the last reading recorded by the meter no. N095399 i.e. 22333 on the date of its removal viz. 28/02/2012 and serve it on the complainant for redressing the grievance raised by the complainant.
- 15.0 In the aforesaid observation and discussion the instant complaint is liable to be allowed, accordingly we do so.

ORDER

1. The complaint no. N -F(N)-199-2013 stands allowed.
2. The Respondent BEST Undertaking has been directed to prepare an electricity bill on the basis of consumption of 22333 units recorded by the meter no. 095399 on 28/02/2012 and giving an applicable slab-wise benefits and making necessary adjustments therein and to serve the same on the complainant within a period of one month from the date of passing this order.
3. The complainant hereby directed to pay the electricity charges to the Respondent BEST Undertaking within a period of one month from the date of receiving such amended electricity bill.
4. The Respondent BEST Undertaking has been directed to report the compliance of this order within a period of one month there from.
5. Copies be given to both the parties.

(Shri S M Mohite)
Member

(Shri M P Thakkar)
Member

(Shri R U Ingule)
Chairman