

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)-214-2013 dtd. 27/12/2013

Mr. Rajan Talwar Complainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Quorum : Chairman
Shri R U Ingule, Chairman

Member
1. Shri M P Thakkar, Member

On behalf of the Complainant : 1. Shri Davinder Singh Sudan

On behalf of the Respondent : 1. Shri M.M. Bhonsle, DECC(f/N)
2. Smt. T.Y. Rege, AAO3

Date of Hearing : 14/02/2014

Date of Order : 27/03/2014

Judgment by Shri. R.U. Ingule, Chairman

Mr. Rajan Talwar, Shop no. 13/6, ground floor, Plot no. 19, S.S.S. Nagar, Sion Koliwada, Mumbai - 400 037 has come before the Forum for grievance regarding refund of excess amount paid towards the high bill sent due to defective meter pertaining to A/c 654-438-043.

Complainant has submitted in brief as under :

1.0 The complainant has approached to IGR Cell on 01/04/2013 for grievance regarding refund of excess amount paid towards the high bill sent due to defective meter pertaining to A/c 654-438-043. The complainant has approached to CGRF in schedule 'A' dtd. NIL (received by CGRF on 26/12/2013) as the consumer is not satisfied with the remedy provided by the IGR Cell Distribution Licensee regarding its grievance. The complainant has requested the Forum to direct the licensee for refund of paid amount in cash alongwith interest, which is charged by licensee and to give defective meter amendment as per MERC Regulation no. 15.4.1.

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

- 2.0 Electric supply was given to the complainant premises under reference through meter no. D 088057, CG make A/c 654-438-043 on 04/07/2009 for commercial purpose. The complainant was billed regularly till October 2009. Thereafter, the meter reader had brought the remark NB (No Bill) and DF (Doubtful) till February 2010.
- 3.0 In the month March 2010 and April 2010, the meter reader had brought meter reading as 28299 and 33927 respectively. Accordingly the complainant was billed for 28128 units and 5628 units for the month of March 2010 and April 2010 respectively. The complainant had lodged high bill complaint thereafter. However, May 2010 onwards, the complainant was billed with meter units which were normal.
- 4.0 As per Management's decision to replace CG make meters in which new feature of anti-theft arrangement was introduced and failure / malfunctioning of such arrangement has resulted in recording high consumption by the meter. In such cases even though meter is accurate barring few months, amend the entire period of the meter on average consumption of the complainant.
- 5.0 Accordingly, meter no. D 088057 was replaced by meter no. H 093764 on 14/10/2010 vide SM no. SM/F/N/100/01.E913319 dtd. 01/07/2010.
- 6.0 As per management's decision credit of Rs. 3,59,787.69 was given towards the units charged for the period from July 2009 (*installation of meter*) to October 2010 (*replacement of meter*), in addition to 101 units charged for November 2010. Same is reflected in the bill of the month August 2011 and debited Rs. 13,253.08 towards the average 87 units consumed for the period June 2009 to October 2010 by considering base period from 14/10/2010 to 14/03/2011 and 41 units have been charged for 14 days i.e. 04/07/2009 to 18/07/2009. Same is reflected in the billing month of August 2011.
- 7.0 Also DP charges amounting to Rs. 7,453.31 for the period May 2010 to April 2013 and penalty interest amounting to Rs. 84, 143.22 for the period April 2010 to April 2013 is credited in electricity bill for the month of July 2013.

REASONS

- 8.0 We have heard Shri Davinder Singh Sudan for the complainant and for the Respondent BEST Undertaking Shri M.M. Bhonsle, DECC(F/N) along with Mrs. T.Y. Rege, AAO3. Perused documents placed on file.
- 9.0 Albeit, the controversy raised in the instant complain apparently finds to be complex one, however, in fact the same moves in a very narrow compass.
- 10.0 The complainant consumer has *inter-alia* contended that the meter provided to him by the Respondent BEST Undertaking was 'defective'. Therefore, the BEST Undertaking ought to have taken recourse to Regulation 15.4.1 provided under MERC (Electric Supply Code and Other Conditions of Supply), Regulation 2005, for billing purpose. However, the Respondent BEST Undertaking violating the said statutory provision, taken the average of 15 months for billing purpose. Therefore, the complainant has been demanding interest on paid excess amount charged to him by the Respondent BEST Undertaking.
- 11.0 On perusing the contentions raised by either party to this controversy and the documents placed on file, this Forum finds that in the first instance there is no any case of '*defective meter*'. Therefore, it is obvious that the Regulation 15.4.1 does not have any role to play in this matter. Now, we proceed to advert to the facts of the matter under consideration.
- 12.0 This Forum finds that the meter no. D088057 was provided to the complainant consumer on 04/07/2009 and was billed regularly till October 2009. Thereafter, during the period from November 2009 to February 2010 the complainant consumer was billed under code **NB** i.e. no bill and **DF** i.e. doubtful. Thereafter, in the month of March 2010, the said meter D088057 recorded abnormal high reading i.e. 28128 units and in the subsequent month viz. April 2010, 5628 units. Thereafter, from May 2010 onwards the meter started showing normal reading and accordingly the complainant consumer has been billed.
- 13.0 The complainant has raised the controversy in the instant matter as the Respondent BEST Undertaking proceeded to amend the bill for the entire period of 15 months on the basis of average consumption.
- 14.0 The Respondent BEST Undertaking for undertaking such exercise has provided a clarification that the entire batch of **Crompton Greaves (CG)** make meters was accurate in functioning normally. These meters are also provided with a peculiar feature showing highly abnormal readings whenever meter has been tinkered with or attempted to be tampered by someone for giving indication and signal about such attempt to interfere with functioning of these meters. The Respondent BEST Undertaking therefore has urged that barring few months wherein the meter provided to the complainant consumer has shown abnormal high reading, for the rest of the period it has shown correct reading. However, in all fairness for giving justice to its consumer, the management of the Respondent BEST Undertaking not only decided to replace these CG make meters but proceed to amend the bill for the entire period on average consumption of the complainant consumer. On considering the documentary evidence placed before us, this Forum does not have any hesitation to uphold the

merit in the aforesaid contention raised by the Respondent BEST Undertaking, as the same has been rational and reasonable one.

- 15.0 Now we proceed to advert to this documentary evidence placed before us by the Respondent BEST Undertaking. In this connexion, we may advert to a copy of "**Ledger Folio**" placed before us at Exhibit 13. Therein we find that in the premises of the complainant consumer for the first time meter no. D088057 has been installed in the month of July 2009. Thereafter, we find that this meter has recorded a normal reading till the month of October 2009. Thereafter, during the month of November 2009, December 2009, January 2010 and February 2010 it was showing '0' consumption of unit. At this juncture, this Forum finds it expedient to advert to "**Meter Reading Folio**" placed before us at Exhibit 9, which shows that during these months, the reading shown by this meter has been 2147, 7639, 14392 and 21865 respectively. We further find that as these readings found to be highly abnormal one by the Meter Reader, therefore he proceeded to circle it by passing a remark before it being **DF** (i.e doubtful) and **NB** (i.e. no bill) and on record shown '0' unit consumption. Significant to observe at this juncture that in subsequent two months also i.e. March 2010 and April 2010 this meter continued to show abnormal high reading viz. 28299 and 33927. As such we find this meter has recorded abnormal high reading from November 2009 to April 2010.
- 16.0 This Forum finds it significant to observe that as urged by the Respondent BEST Undertaking barring few months referred to above wherein this meter has recorded abnormal high reading, in the rest of the prior and subsequent period, the same meter has recorded a normal reading and that too for months altogether. To reiterate, we uphold the said contention raised by the Respondent BEST Undertaking, for a simple reason that from the date of installation of meter no. D088057, it has recorded normal reading from July 2009 to October 2009 and thereafter from May 2010 till it has been replaced in the month of October 2010. To reiterate, in between for few months it has recorded high reading that too abnormally high one. Therefore, we find a force in the arguments advance by the Respondent BEST Undertaking that the CG make meters like the one under consideration, have been provided with such a mechanism to record an abnormal high reading, in the contingency someone make an attempt to tinker with it or tamper with the said meter for alarming the meter reader. To elaborate on this aspect, this Forum further observes that had this meter no. D088057 been **defective**, in that contingency it would have not recorded a normal reading right from the month of May 2010 till the months of its replacement viz. October 2010 and also in the prior period.
- 17.0 This Forum finds a merit in the contention raised by the Respondent BEST Undertaking on one more ground that from the month of October 2010 in all fairness to evade and ward off any confusion and conflict it has proceeded to replace the said CG make meter with a new meter no. H093764 from 14/10/2010. The Respondent BEST Undertaking has placed before this Forum the amendment calculation sheet at Exhibit 37, wherein it is given the consumption of unit by the said new meter from the month of October 2010 till March 2011. It is most significant to observe that the average of the unit consumption by the earlier meter no. D088057, barring the months in which it has recorded abnormal high unit consumption has been 81.88 unit per month and for 5 months for the subsequent new meter no. H 093764 it has been 87 unit per month. It is therefore blatantly manifest that the average consumption shown by the alleged defective meter D088057 and that by the new meter about which complainant does not have any complaint shows almost same consumption of unit per month. In this context we refer to Exhibit 37 of Debit / Credit sheet. Therefore, in consider view of

this Forum, this certainly provide an impetus and strengthen the argument advanced by Respondent BEST Undertaking.

- 18.0 We thus find that as observed above, the meter D088057 of CG make provided to the complainant was not **defective** as alleged by the complainant consumer. Despite it, in all fairness the Respondent BEST Undertaking proceeded to amend the bill for entire period of the said meter, on average consumption of the electricity. Accordingly, it has worked out the credit given to the consumer and debiting the account of the complainant consumer as provided in detail in para 4 of its written statement placed before us. We further find that to avoid any confusion and conflict on the part of complaint, the Respondent BEST Undertaking has replaced the said CG make meter with a new meter no. H093764. We may observe at this juncture that a very blanket and bold argument has been advance on behalf of the complainant consumer that the meter provided to the complainant consumer has been of CG make, therefore it has been inherently defective. However, for the reasons recorded above supported with the documents placed before us, we do not find any merit in the said arguments. To reiterate the CG make meter under consideration, has certainly not been "**defective**" as urged by the complainant.
- 19.0 To conclude, we do not find any merit in any contention raised before this Forum on behalf of the complainant consumer.
- 20.0 Before we part with this order, we may put it on record here that, there is certainly some delay in passing this order. The same has been due to an adjournment sought by the Respondent BEST Undertaking for filing its written statement before us. Besides it, pendency of the work load before the Forum contributed to the same.
- 21.0 In the aforesaid observation and discussion we proceed to pass the following order.

ORDER

1. The complaint no. N -F(N)-214-2013 stands dismissed.
2. Copies be given to both the parties.

(Shri M P Thakkar)
Member

(Shri R U Ingule)
Chairman