

**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)-216-2014 dtd. 08/01/2014**

Shri Surendrasinh B. Solanki .....Complainant

V/S

B.E.S.&T. Undertaking .....Respondent

**Present**

Quorum : Chairman  
Shri R U Ingule, Chairman

Member  
1. Shri M P Thakkar, Member

On behalf of the Complainant : 1. Shri Sunil H. Pawar

On behalf of the Respondent : 1. Shri M.Y. Shethwala, Supdt. CC(F/N)  
2. Smt. T.Y. Rege, AAO3 CC(F/N)

Date of Hearing : 25/02/2014

Date of Order : 04/04/2014

**Judgment by Shri. R.U. Ingule, Chairman**

Shri Surendrasinh B. Solanki, 7, floor-1, Nutan Kailas CHS., 55, T.V. Chindambaram Road, Cine Planet, Sion Circle, Sion (E), Mumbai 400 022 has come before the Forum for dispute regarding replacement of defective meter pertaining to A/c 608-577-011\*3

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

1.0 The complainant has approached to IGR Cell on 20/07/2013 for grievance regarding replacement of defective meter pertaining to A/c 608-577-011\*3. The complainant has approached to CGRF in schedule 'A' dtd. 05/01/2014 (received by CGRF on 06/01/2014) as he was not satisfied by the remedy provided by the IGR Cell Distribution Licensee regarding his grievance. The complainant has requested the Forum not to disconnect the supply till the matter is resolved by the Forum.

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

1. Meter no. L 821654 was installed to measure electricity consumption of the complainant's premises under A/c No. 608-577-011. The meter no. L 821654 found tampered by the Vigilance Dept. and case no. VGN/159/T 12 dated 12-3-2012 was registered. Thereafter, this meter is replaced by meter no. N 104304 on 13/03/2012.

2. Inadvertently this meter is not updated in the computer system for the billing purpose. The meter reader has brought meter reading as 13461 of meter no. N 104304 treating as extra meter. The complainant was billed for 13461 units consumed in billing month March 2013.

3. The meter no. N 104304 is updated in the computer system from June 2013 for billing purpose and consumer was billed for 16670 units in the month of June 2013. The complainant has raised the objection for the same.

4. Credit amounting to Rs. 3,01,943.12 was given towards wrongly charged 30558 units from the period 15/02/2012 to 14/06/2013 in the billing month September 2013. Amount of Rs. 1,52,434.92 is debited towards 17097 units (16670 units of meter N 104304 + 427 uncharged units of old meter L821654) in billing month September 2013. Also DP charges and interest for the period June 2013 to July 2013 was refunded in billing month September 2013. The complainant has clear his dues and paying his electricity bills regularly.

**REASONS**

5.0 We have heard Shri Sunit Pawar for the complainant and for the Respondent BEST Undertaking Shri M.Y. Shetwala, Supdt. CC(F/N) along with Smt. T.Y. Rege, AAO3. Perused documents placed before the Forum.

6.0 This Forum finds a classic case of taking an undue advantage by the consumer of a bonafide lapse on the part of the Respondent BEST Undertaking. In the instant matter, this Forum finds that in the first instant the present complainant consumer was found indulged into tampering with meter no. L821654 in a vigilance raid dtd. 12/03/2012 to find the said meter was running slow on all load as it was tampered with. Therefore, the said tampered meter was replaced with a meter no. N104304 on 13/03/2012. This Forum finds that admittedly from the installation of meter no. N104304 till the month of February 2013 the complainant consumer was receiving electricity bill for '0' unit consumption for about 12 months. It is for the first time on 15/03/2013 a Meter Reader brought the reading of the

meter no. N104304 as 13461 units. In this context we may refer to Exhibit 'B' pg.no. 5, placed on file by the Respondent BEST Undertaking.

7.0 It is significant to observe at this juncture that the complainant consumer was blissfully complacent in enjoying the '0' unit consumption electricity bill for a period about one year and thereafter made a complaint in writing on 07/03/2013 about not reading the said meter and receiving minimum billing amount. It is the contention of the Respondent BEST Undertaking that in the month of February 2013, the Meter Reader brought the reading of the said meter but not place on record before the Respondent BEST Undertaking. Therefore the complainant consumer hurriedly filed a said complaint on 07/03/2013 on learning the same, before the Respondent BEST Undertaking and anticipating service of an accumulated bill of the said meter right from the installation of the said meter i.e. 13/03/2012, for about one year.

8.0 This Forum thus finds that as the old meter no. L821654 was tampered with by the complainant therefore was replaced with the meter no. N104304, the same did not bring on record for billing purpose due to a 'bonafide lapse' on the part of Respondent BEST Undertaking. To reiterate, the complainant consumer with an open eyes went on enjoying the benefit of such bonafide lapse knowing full-well that he would be served with an accumulated electricity bill on recording the unit consumption of the said meter. Admittedly, the complainant consumer was availing the electric supply from the replaced meter no. L104304 therefore as a law abiding electricity consumer, in consider view of this Forum, he ought to have approached the Respondent BEST Undertaking in the month of April 2012 when for the first time he was served with electricity bill for '0' unit consumption.

9.0 This Forum thus finds that when inevitably he was served with an accumulated bill in the month of March 2013 for the accumulated consumption of 13461 units, the complainant consumer started making hue and cry about serving such a huge bill and to strengthen his protest, started complaining about the meter being defective for the first time. The said electricity bill in the month of March 2013 has been placed before this Forum at Exhibit 'E' pg. no. 27. We may observe at this juncture that as the meter no. N104304 was not brought on record, therefore in this bill the old meter no. has been shown being L821654 which was removed on 13/03/2012.

10.0 This Forum further finds that the complainant consumer has filed a complaint in Annexure 'C' before the IGRC of the Respondent BEST Undertaking for receiving accumulated electricity bill for the month of June 2013 of Rs. 3,03,914.00. This Forum therefore holds that there is no merit into the contention raised by the complainant consumer that the EMCO make meters are basically defective one and therefore he has been served with the high accumulated bill. To reiterate, this Forum observes that from the month the meter no. N104304 was provided to the complainant, he was aware for about a period of one year that one fine morning he would served with an accumulated bill. Till the first bill was served in the month of March 2013, he went on enjoying the undue benefit of '0' unit consumption, therefore, in consider view of this Forum, the complainant consumer was not entitled for slab benefit and certainly not waving the DP charges and interest charges on meter. In this connexion, we may hasten to advert to a basic principle of law that he, who seeks equity must do equity first, and must come with clean hands.

11.0 However, in the present case, we find that in all fairness, as there was bonafide lapse on the part of the Respondent BEST Undertaking, to make the same good, it has not only given a slab benefit of Rs. 1,52,434.92 but also going to refund DP charges of Rs. 2,420.53 and interest charges of Rs. 6,004.76 to be reflected in the electricity bill for the month of

September 2013 as detailed in the written statement placed before this Forum by the Respondent BEST Undertaking.

12.0 In the aforesaid observation and discussion we hold that there is no merit in the instant complaint filed before this forum by the complainant consumer and therefore the same is liable to be dismissed. Accordingly we proceed do so.

**ORDER**

1. The complaint no. N -F(N)-216-2014 stands dismissed.
2. Copies be given to both the parties.

(Shri M P Thakkar)  
**Member**

(Shri R U Ingule)  
**Chairman**