

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-GN-327-2017 dtd. 11/08/2017

Mr. Mr.Daniel P. NadarComplainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Chairman

Quorum : Shri V. G. Indrale, Chairman

Member

1. Shri S.V. Fulpagare, Member

On behalf of the Complainant : 1. Shri Sunder A. Nadar

On behalf of the Respondent : 1. Shri K.A Kulkarni, Supdt. CC(G/N)
2. Smt. P.S. Kekane, AAM, CC(G/N)

Date of Hearing : 21/09/2017

Date of Order : 04/10/2017

Judgment by Shri. Vinayak G. Indrale, Chairman

Mr. Daniel P. Nadar, 1, Ground floor, Block-10, Mahatma Gandhi Road, Dharavi, Mumbai - 400 017 has come before the Forum for Dispute regarding debiting of Rs. 1,60,062.58 towards defective meter amendment pertaining to meter no. N114016, a/c no. 724-699-003*2 in billing month August 2016.

Complainant has submitted in brief as under :

The complainant has approached to IGR Cell on 15/10/2016 towards defective meter amendment pertaining to meter no. N114016, a/c no. 724-699-003*2 in billing month August 2016. The complainant has approached to CGRF in schedule 'A' dtd. 07/08/2017 (received by CGRF on 10/08/2017) as the complainant was not satisfied by the remedy provided by the IGR Cell of Distribution Licensee.

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

- 2.0 The complainant Shri Daniel P. Nadar came before the Forum regarding debiting of Rs. 1,60,062.58 towards defective meter amendment pertaining to meter no. N114016, a/c no. 724-699-003*2 in billing month August 2016.
- 3.0 Electric supply given to the premises under reference on 10/03/1989. This supply was transferred in the name of Shri Mohd. Seraj Wahab Khan on 12/10/2007. This supply was given through meter no. E008953, a/c no. 724-699-079*2 for residential purpose.
- 4.0 The complainant had applied for change of name vide ID no. 1386571 and meter no. E008953 was transferred in his name from 04/04/2013 and new a/c no. 724-699-003 was given. Meter no. E008953 has stopped recording consumption from August 2013. Accordingly investigation was carried out on 22/08/2013 and it is observed that the premises is used for garment factory i.e. commercial activity. The premises is ground + three loft floors. The connected load is 8 tube lights, 3 fans and 1 water pump and on loft floors, 46 tube lights, 2 ceiling fans, 52 sewing machines, 1 iron and 6 steam press.
- 5.0 Meter no. E008953 was replaced by meter no. N114016 on 13/09/2013 for the reason of higher capacity of meter vide requisition no. 134466 dtd. 19/07/2013. Inadvertently new meter N114016 was not updated in the system for billing purpose upto February 2014 and consumer was billed on estimated average basis of 600 units per month during the period September 2013 to January 2014.
- 6.0 Further meter no. N114016 was also found defective / stopped and consumer was billed for 600 units per month for the period February 2014 to April 2014. Further investigation was carried out on 20/03/2014 and meter no. N114016 found stopped. Hence, meter no. N114016 was replaced by N121194 on 17/04/2014. Meter no. N121194 had recorded average monthly consumption as 3130 for the period May 2014 to May 2015.
- 7.0 The consumer was under billed against the stopped meter N114016 for the period 17/01/2014 to 17/04/2014 (three months). Hence, necessary dr/cr was carried out for the period 17/01/2014 to 17/04/2014 by considering new meter average of 3130 units per month. This was done as old meter average was not available. This has resulted in net debit of Rs. 1,60,062.58 and reflected in billing month August 2016 and consumer has raised the objection for the same.

REASONS

- 8.0 We have heard the arguments of Shri Sunder Nadar, representative of the complainant and for the Respondent BEST Undertaking Shri K.A. Kulkarni, Supdt. CC(G/N) and Smt. P.S. Kekane, AAM, CC(G/N). Perused the documents filed by either parties and written statement filed by the Respondent BEST Undertaking along with list of documents marked at Exhibit 'A' to 'G'.
- 9.0 The representative of the complainant has vehemently submitted that the Respondent BEST Undertaking has illegally as well as in contravention of Regulation 15.4 of MERC (Electricity Supply Code & Other Conditions of Supply), Regulation 2005 carried out amendment in respect of meter no. N114016. He has further submitted that above said meter was found within permissible limit of accuracy and only RTC was found defective. He has further submitted that so called amendment for the period from February 2014 to April 2014 carving debit note of Rs. 1,60,062.58 is barred by limitation as per section 56(2) of Electricity Act , 2003 as the said amount has been claimed in the month of August 2016. Against this, the Respondent BEST Undertaking has submitted that meter no. N114016 was found defective and consumer was billed for 600 units per month for the period February 2014 to April 2014 and therefore they have calculated average monthly consumption of 3130 units recorded by the replaced meter no. N121194 for the period May 2014 to May 2015. Thus according to the Respondent BEST Undertaking they have rightly carved out the debit note passed by them and the amount under debit note has been rightly reflected in electricity bill for the month of August 2016.
- 10.0 Having regard to the above said submission the only question which arose before the Forum is as to whether so called debit note passed by the Respondent BEST Undertaking is legal or not ? We have cautiously gone through the Regulation 15.4 of MERC (Electricity Supply Code & Other Conditions of Supply), Regulation 2005 in which the procedure is mentioned how and in what circumstances amendment bill is required to be carried out. It is pertinent to note that the Respondent BEST Undertaking has placed on record the test report of meter no. N114016 at pg. no. 75/C to 79/C. We have gone through the said test report and it appears that in remark column it is mentioned that RTC failure. In column no. 3.3 dial test taken error is shown as -0.240 which is within permissible limit of accuracy. In view of this report, in any case it cannot be concluded that the meter no. N114016 was defective and there was no reason for the Respondent BEST Undertaking to carry out amendment as per Regulation 15.4 of MERC (Electricity Supply Code & Other Conditions of Supply), Regulation, 2005.

- 11.0 It is very strange to note that they have carved out the amendment for the period from February 2014 to April 2014 on the basis of reading consumed by replaced meter bearing no. N121194 and thereby carved out average monthly consumption as 3130 units on the basis of consumption recorded for the period from May 2014 to May 2015. We found force in the submission of representative of the complainant, so we hold that amendment carved out by the Respondent BEST Undertaking is not legal. We have gone through the test report of meter no. N114016 in which initial reading before testing is noted as 1814.793 as against this the monthly consumption recorded by the Respondent BEST Undertaking for the month of February 2014 to April 2014 is near about 1800. Thus only difference is of 14 units.
- 12.0 The complainant has further submitted that during the period of February 2014 to April 2014, he had carried out the repair work in the premises for which the connection was taken and thereby there was less consumption. In support of his contention he has placed on record a letter dtd. 03/01/2014 sent to Asst. Municipal Commissioner, GN ward, BMC, Dadar which is placed at pg. 27/C. By this letter, the complainant sought permission for repair of the premises from BMC. The complainant has also placed on record a letter dtd. 15/03/2017 which is titled as confirmation letter issued by building contractor stating that, he had carried out the repair work during the period January 2014 to April 2014. Both these documents support the contention of the complainant that during the period January 2014 to April 2014 they had carried repairing work of the premises and there was less consumption of electricity.
- 13.0 The representative of the complainant has further submitted that debit note which has been passed by the Respondent BEST Undertaking in the month of August 2016 for the month of February 2014 to April 2014 and therefore the amount under debit note is barred by limitation as per section 56(2) of E.A., 2003. We find substance in the above said contention of representative of the complainant on the point of limitation.
- 14.0 Having regard to the above said reasons we arrived at the conclusion that there was no reason for the Respondent BEST Undertaking to pass debit note of Rs. 1,60,062.58 on the basis of average consumption of electricity by new replaced meter bearing no. N121194. Thus the debit note of Rs. 1,60,062.58 is liable to be struck off, likewise if the Respondent BEST Undertaking has charged DPC and interest on the amount of debit note and the same will be required to be credited in ensuing electricity bill. Thus the complaint deserves to be allowed. In result we pass the following order.

ORDER

1. The complaint no. N-GN-327-2017 dtd. 10/08/2017 stands allowed as under.
2. The debit note of Rs. 1,60,062.58 is hereby struck off.

3. If the Respondent BEST Undertaking has charged DPC and interest on amount of debit note it should be credited in the ensuing electricity bill.
4. The Respondent BEST Undertaking is directed to comply the order within one month from the date of receipt of this order and compliance be reported within 15 days there from to the Forum.
5. Copies of this order be given to both the parties.

Sd/-

(Shri S.V. Fulpagare)
Member

Sd/-

(Shri V.G. Indrale)
Chairman