

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(S)- 227-2014 dtd. 03/06/2014.

Shri M.C. SundraniComplainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Chairman

Quorum : Shri R U Ingule, Chairman

Member

1. Shri S M Mohite, Member, CPO

On behalf of the Complainant : 1. Shri M.C. Sundrani

On behalf of the Respondent : 1. Shri B.K. Shelke, DECC(F/S)
2. Shri S.B. Tokekar, AMMCC(F/S)

Date of Hearing : 18/07/2014

Date of Order : 06/08/2014

Judgment by Shri. R.U. Ingule, Chairman

Shri M.C. Sundrani, M/s Mafco Ltd., Ground flr., Jijamata Udyan, Dr. B. Ambedkar Road, Mumbai - 400 027 has come before the Forum for dispute regarding high bill pertaining to A/c no.909-411-101.

Complainant has submitted in brief as under :

1.0 The complainant has approached to IGR Cell on 24/02/2014 for dispute regarding high bill pertaining to A/c no. 909-411-101. The complainant has approached to CGRF in schedule 'A' dtd. 26/05/2014 (received by CGRF on 29/05/2014) as the consumer is not satisfied with the remedy provided by the IGR Cell Distribution Licensee regarding his grievance.

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

2.0 The complainant has given electric supply through meter no. E844061 and O804963 for commercial purpose under A/c no. 909-411-101. In the month August 2008, meter no. O804963 was replaced by meter no. B037158 as earlier meter found stopped working and glass of the meter found broken.

3.0 Due to technical error meter no. B037158 was not updated in the system. The meter reader was regularly taking manual meter reading of meter no. B037158 and complainant was billed regularly on the consumption recorded by the meter no. B037158 upto May 2013 but this consumption was shown against meter no. O804963.

4.0 From May 2013 the ward has started taking meter reading of all meters on RAMCRAM. As meter no. B037158 was not updated in the system for billing purpose, the complainant was billed for zero consumption for the period May 2013 to December 2013.

5.0 In the month January 2014, meter no. B037158 is updated in the system for billing purpose and complainant was billed for accumulated 6778 units for the period May 2013 to December 2013 amounting to Rs. 1,07,997.98. Subsequently, slab benefit amounting to Rs. 22,579.00 was given and same is reflected in the billing month April 2014.

6.0 Old meter no. O804963 has stopped recording energy consumption from February 2007 and replaced by meter no. B037158 in August 2008. Hence, amendment for stopped meter for the period February 2007 to August 2008 was preferred amounting to Rs. 16,028.00 three months as per Regulation and same is debited in billing month May 2014.

REASONS

7.0 We have head Shri M.C. Sundrani for the complainant and for the Respondent BEST Undertaking Shri B.K. Shelke, DECC(F/S) along with Shri S.B. Tokekar, AAM(F/S). Perused documents placed before us.

8.0 In the instant complaint, the complainant has raised a grievance that he received an accumulated bill in the month of January 2014 for Rs. 1,07,997.98 for the period May 2013 to December 2013 for the consumption of 6778 units. The complainant has assailed raising of the said electricity bill on the ground that the Respondent BEST Undertaking had sent '0' unit bill from the month of April 2013 and the same was

brought to the notice of the Respondent BEST Undertaking by the complainant by addressing a letter dtd. 08/08/2013. Despite it, there was no any prompt response from the Respondent BEST Undertaking. Under the MERC (Electricity Supply Code and Other Conditions of Supply) Regulation, 2005, Regulation 14.3 provided therein, obligates the Respondent BEST Undertaking to record a correct reading of the electricity consumption at least once in every two months period. However, the Respondent BEST Undertaking has failed to do so. Under such circumstances imposing DP charges and interest on the complainant would be unjustified.

- 9.0 Per contra, it has been submitted on behalf of the Respondent BEST Undertaking that the complainant was provided with two meters i.e. E844061 and O804963 with a/c no. 909-411-101 with commercial tariff. Out of these two meters, meter no. O804963 was replaced in the month of August 2008 as it was found being **stopped** due to its glass was broken. Such stopped meter was replaced with new meter B037158. However, the same was not updated in the computer system due to a technical error. The meter reader however was regularly recording the reading shown by the installed meter no. B037158 till the month of May 2013 on its Meter Reading Folio. As such till May 2013 due to availability of the reading, the electricity bills were served on the complainant regularly.
- 10.0 Thereafter the Respondent BEST Undertaking has introduced a meter reading machine viz. RAMCRAM from the month of May 2013 and as the installed meter no. B037158 was not updated in the Respondent BEST Undertaking's computer system, the complainant has been billed for consumption of '0' unit from the month of May 2013 to December 2013 and as submitted by the complainant it is in the month of January 2014, it has been served with the electricity bill for Rs. 1,08,570.00 for accumulated consumption of unit i.e. 6778.
- 11.0 We find merit in the arguments advanced by the Respondent BEST Undertaking that due to a bonafide error on its part for not updating the installed meter no. B037158 in its computer system and later on due to introducing a new device viz. RAMCRAM, the complainant has been billed for '0' unit consumption for May to December 2013. As such this Forum does not find any ulterior motive to serve a bill for accumulated units i.e. 6778 in the month of January 2014 on the complainant. In view of the judgment handed down by the Hon'ble Division Bench of Bombay High Court in a case of *M/s Rototex Polyester v/s Administration, Administrator Dadra Nagar Haveli, Electricity Department, Silvassa (W.P. no. 7015/2008 dtd. 20/08/2009)*, it is always open for the Respondent Distribution Licensee to correct any error cropped up in any electricity bill due to calculation mistake or human error or such like mistakes and there is no bar of limitation.
- 12.0 This Forum therefore finds that there is nothing wrong on the part of the Respondent BEST Undertaking to serve an accumulated bill in the month of January 2014 for the unit i.e. 6778 in the process of correcting bonafide lapse on its part. Admittedly, the complainant has consumed the electricity in a commercial category and he has also complained vide its letter dtd. 08/08/2013 for receiving electricity bill on a lesser side

and had requested to correct such error. We however, uphold the argument advanced on behalf of the complainant consumer that in such contingency, it would be unwarranted and unjustified on the part of the Respondent BEST Undertaking to impose any DP charges and interest on such accumulated bill, especially when for the same the complainant has not been at fault. To this extent we find a merit in the arguments advanced on the behalf of the complainant consumer.

- 13.0 It is significant to observe that while serving the electricity bill for accumulated consumption unit i.e. 6778, as a complainant consumer was entitled to the “slab benefit” the same has been properly worked out by the Respondent BEST Undertaking of Rs. 22,579.00 and accordingly given a credit of the same amount in the electricity bill for the month of April 2014, placed before this Forum at Exhibit ‘B’.
- 14.0 Now we turn to advert to the another grievance raised by the complainant consumer in regard to an erroneous procedure being adopted by the Respondent BEST Undertaking in serving a bill for a period during which the electricity meter was found to be a defective. In this context this Forum observes that the meter provided to the complainant i.e. O804963 was found stopped recording energy consumption, as its glass was broken from February 2007 till it was removed in the month of August 2008 and replaced with a new meter no. B035178. The Respondent BEST Undertaking therefore urged that for want of any record of electricity consumption by the complainant, it was not billed for a period for more than one year. Despite it, under the MERC Regulation, 2005, the Respondent BEST Undertaking has proceeded to amend the bill only, for period of three months of Rs. 16,028.00 only and shown in the electricity bill for the month of May 2014. In this context this Forum finds the said bill of electricity charges for the month of May 2014 placed before us at Exhibit ‘D’ showing the said amendment charges of Rs. 16,028.24.
- 15.0 In this context, this Forum finds a merit in the argument advanced by the complainant that while working out such amendment bill for a period of three months as envisaged under the Regulation provided by MERC (Electricity Supply Code and Other Conditions of Supply) Regulation, 2005, the Respondent BEST Undertaking has adopted a wrong procedure for considering a period of 12 months for drawing an average in between October 2012 to April 2013. This Forum finds that the Respondent BEST Undertaking ought to have undertaken a procedure for working out a bill for a period of three months in respect of “stopped” meter as provided under second proviso under Regulation 15.4.1 and it reads as under.

Provided further that, in case the meter has stopped recording, the consumer will be billed for the period for which the meter has stopped recording, up to a maximum period of three months, based on the average metered consumption for twelve months immediately preceding the three months prior to the month in which the billing is contemplated.

16.0 When this statutory provision provided under Regulation 15.4.1 was brought to the notice of Shri Shelke, DECC(F/S) during the course of the hearing of the instant complaint, the said officer immediately worked out the amendment bill in compliance to such statutory provision which comes to Rs. 13,080,64, assuring the complainant consumer that accordingly the said amount of Rs. 13,080.64 will be charged and the amount of Rs. 16,028.24 which was charged in the electricity bill for the month of May 2014, would be credited in the complainant consumer's ensuing electricity bill. We thus find that the said grievance raised by the complainant consumer in respect of the "stopped meter" has been properly redressed with by the Respondent BEST Undertaking. In support of it we find a calculation sheet along with a written submission dtd. 23/07/2014 placed before this Forum.

15.0 In the aforesaid observation and contention we proceed to pass the following order.

ORDER

1. The complaint No.N-F(S)-227 stands partly allowed.
2. The Respondent BEST Undertaking has been directed to waive the DP charges and interest amount in the event the same has been imposed on the complainant while serving a bill on the complainant consumer for the accumulated electricity consumption unit i.e. 6778.
3. The Respondent BEST Undertaking has been further directed to report the compliance of this order within one month there from .
4. Copies of this order be given to both the parties.

(Shri S M Mohite)
Member

(Shri R U Ingule)
Chairman