

**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-FS-317-2017 dtd. 29/03/2017**

Mr. Mohd. Naeem .....Complainant

V/S

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

**Present**

Chairman

Quorum : Shri V. G. Indrale, Chairman

Member

1. Shri S.V. Fulpagare, Member
2. Shri S.M. Mohite, Member, CPO

On behalf of the Complainant :  
1. Shri Akram Khan  
2. Shri Saqib Khan

On behalf of the Respondent :  
1. Shri B.K. Shelke, DECC(F/S)  
2. Smt A.J. Karbhari, AAM CC(F/S)

Date of Hearing : 09/05/2017

Date of Order : 29/05/2017

**Judgment by Shri. Vinayak G. Indrale, Chairman**

Mr. Mohd. Naeem, Ground floor, Bawan Chawl, T.B. Kadam Marg, Nr. Voltas Ltd., Kalachowky, Mumbai - 400 033 has come before the Forum for dispute regarding high bill pertaining to a/c no. 562-232-005 .

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

The complainant has approached to IGR Cell on 03/01/2017 for dispute regarding high bill pertaining to a/c no. 562-232-005. The complainant has approached to CGRF in schedule 'A' dtd. 22/03/2017 (received by CGRF on 24/03/2017) as the complainant was not satisfied by the remedy provided by the IGR Cell of Distribution.

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

- 2.0 The complainant, Mr. Mohd. Naeem came before the Forum regarding high bill complaint for the period May 2016 to November 2016 pertaining to a/c no 562-232-005. The complainant further stated that, his monthly average consumption is in between 1500 to 1700 units and requested to correct the bill as per actual consumption and cancel DP charges and interest added in bill.
- 3.0 Electric supply was given to the complainant's premises through meter no. N158394. After receipt of the high bill complaint dtd. 09/11/2016, site was inspected on 18/11/2016, it was observed that meter no. N158394 not showing any parameters, phase I & II cutouts are removed and electric supply was used only from phase III. Connected load on this meter found 3 tube lights, 1 fan, 1 air-conditioner and 1 injection molding machine. As meter did not showing any parameters, it was decided to replace this meter, after vigilance clearance.
- 4.0 It was noticed that meter no. N158394 was replaced by meter no. N168597 on 01/12/2016 against the consumer's complaint of burnt meter.
- 5.0 Meter no. N158394 is L&T make. This meter was tested on 02/02/2017 in meter testing laboratory in presence of representative of manufacturer and consumer. During lab testing it was observed that terminal block burnt, only Y phase burnt, no display and no communication, no power ON in both mains & battery modes. As meter was not communicating, the internal storage data could not be retrieved. Therefore meter was handed over to the manufacturer for further analysis and testing at their factory.
- 6.0 During further analysis and testing at manufacturer's factory for data retrieval, it was observed that PCB found burnt hence data could not be retrieved and manufacturer has not declared this meter as defective.
- 7.0 After installation of new meter N168597, complainant's consumption found dropped from January 2017. Hence site inspection was carried out on 13/02/2017, it was found that the complainant is carrying out activity of plastic injection molding. The load of injection molding machine found shifted to another meter T110103 (a/c no. 202-030-847) in the same compound.

- 8.0 There are number of premises, few of them are interconnected and some are open space. Total 5 nos. of electric meters (connections) are provided at this patra shed in different consumers' names. Total 5 injection molding machines (approx. 15 kw each) and heavy duty grinders / mixers, water pump for cooling towers, and lighting load found connected.
- 9.0 The complainant consumer is habitually shifting and extending load of one meter to another meter unauthorizedly. Hence, there is variation in consumption recorded by all the meters in this premises. The complainant's meter was replaced 6 times during past 6 years, 4 times for the reason of 'No Display' and twice for the reason, 'Meter Burnt'. The consumer is putting heavy load such as plastic molding machine on the meter and get it burnt / display becomes invisible / meter stops recording consumption. The consumer is doing this act / mischief intentionally to get benefit of amendment bill for limited period of 3 months as per Regulation.
- 10.0 In this specific case there was no abnormality until the meter found burnt on 01/12/2016 except invisible display. The consumer was billed correctly. Hence the bill preferred is based on actual consumption recorded by the meter no. N158394 till the bill month October 2016 and estimated units for two months on account of reading not visible. Hence bill preferred is correct one.

### REASONS

- 11.0 We have heard the arguments of Shri Akram Khan and Shri Saqib Khan representatives of the complainant and for the Respondent BEST Undertaking B.K. Shelke, DECC(F/S) and Smt A.J. Karbhari, AAM CC(F/S). We have cautiously gone through the documents placed on record by the complainant and written submission filed by the Respondent BEST Undertaking along with the documents marked at Exhibit 'A' to 'Q'.
- 12.0 The representative of the complainant has vehemently submitted that the complainant has made complaint of high bill for the month of October 2016 on 09/11/2016. He has further submitted that the defective meter no. N158394 was replaced on 01/12/2016 and thereafter he is receiving correct bill as per consumption. It is his grievance that the Respondent BEST Undertaking was expected to carry out the amendment as per Regulation 15.4 of MERC (Electricity Supply Code & Other Conditions of Supply) Regulation 2005 as the meter no. N158394 was defective. The Respondent BEST Undertaking has submitted that the complainant was using the electricity for commercial purpose and therefore it is not expected to have average similar reading for every month. According to the Respondent BEST Undertaking in case of commercial connection use of electricity which depends upon the use of electricity as per order placed before the consumer or as per the need. Thus the Respondent BEST Undertaking has submitted that question of carrying out the amendment of bill as per 15.4 does not arise as they have immediately replaced the meter.
- 13.0 Having regard to the above said submission we have to see whether the consumption of units recorded for the month of October 2016 as 11853 is correct or not. We have

gone through the Meter Ledger Folio placed on record by the Respondent BEST Undertaking at Exhibit 'J' and it appears that in past also the consumption recorded by the consumer for the month of May 2012 and November 2012 were shown as 7652 units and 7770 units respectively. If we go through Meter Ledger Folio since April 2011 to April 2017 it appears that the consumption varies from every month and it was because of commercial use only. The representative of the complainant has diverted out attention to the units recorded by meter no. N158394 as 11853 units for the month of October 2016. The Respondent BEST Undertaking replaced the said meter on 01/12/2016 i.e. within 20-21 days from receipt of the complaint for high bill.

- 14.0 In view of this aspect, we do not find any substance in the contention of the representative of the complainant that the Respondent BEST Undertaking was required to carry out amendment as per Regulation 15.4 of MERC (Electricity Supply Code & Other Conditions of Supply) Regulation, 2005. We have cautiously gone through the said regulation which deals with billing in the event of defective meter. The proviso to Regulation 15.4.1 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 meter consumption of twelve months immediately preceding the three months prior to the month in which the billing is contemplated.*

In view of this regulation couple with the fact that the meter was changed within 21 days from receipt of the complaint so the question of amendment as per Regulation 15.4 does not arise.

- 15.0 We have gone through the site testing report filed by the Respondent BEST Undertaking at Exhibit 'E'. The said report shows that the complainant was having 1 air-condition, 1 injection molding machine, ph I & II cutout removed and using phase III. It shows that there was every likelihood of shifting the load from one meter to another meter. The said report shows that there was "No Display". It pertinent to note that Respondent BEST Undertaking has placed on record inspection report at pg. no. 35/C dtd. 13/02/2017 in which existing load is shown as 1 air-condition, TV camera, fan and tube lights. Total load shown in the site inspection load is 3.020 kw. and there is no mention about the molding machines load. It means when site inspection was done on 13/02/2017 the molding machines was not connected to said installation therefore the complainant is saying that after replacement of meter he was receiving correct electricity bill.
- 16.0 The Respondent BEST Undertaking has placed on record site inspection report dtd. 14/02/2017 which is at pg. no. 37/C to 43/C. After going through the same it appears that the Respondent BEST Undertaking inspected site and noticed unauthorized load and has taken action as per section 126 of E.A., 2003. The Respondent BEST Undertaking has submitted that the complainant was in habit to shift the load from one meter to another meter and therefore there was no display which resulted into

meter burnt. The Respondent BEST Undertaking has placed on record the report showing the position of meter installed in the said place and it is at pg. no. 31/C and 33/C. Although the said argument appears to be lucrative but it has no force as it is for the Respondent BEST Undertaking to keep watch on the meter of every consumer and to take proper action as per section 126 of EA, 2003. It was not expected from the Respondent BEST Undertaking to blame the consumer that the consumer was in habit to shift the load from one meter to another meter and thereby caused damage to the meter.

- 17.0 The representative of the complainant has vehemently submitted that the meter no. N168579 was tested and it was found that the terminal block of said meter burnt, meter found No Display and no communication, only Y phase burnt, meter referred to manufacturer by Vigilance instructions. The said meter was tested by the manufacturer and it was noticed that they are unable to retrieve data due to PCB burnt. The representative of the complainant has submitted that when the Respondent BEST Undertaking is unable to retrieve the data due to PCB burnt then how they have charged 11853 units for the month of October 2016. On this point the Respondent BEST Undertaking has submitted that before replacement the said meter units were recorded by RAMCRAM method so they have taken the said units as correct one.
- 18.0 Having regard to the above said discussion coupled with the fact that the consumer was using the electricity for commercial purpose. In any case it cannot be held that there was any substance in the complaint of high bill. Before parting to pass the final order we wish to observe that the complainant's representative Shri Akram Khan and Shri Saqib Khan have sent an email containing that no attention has been given while hearing their case. We have cautiously heard their arguments. The language and words used in that email dtd. 16/05/2017 are un-parliamentary and objectionable so we reserve our rights to take appropriate action if find it necessary, with a view that everybody should honour the order passed by the Forum. Thus we do not find any grievance in the complaint made by the consumer. Consequently the complaint deserves to be dismissed. In the result we pass the following order.

#### **ORDER**

1. The complaint no. N-FS-317-2017 dtd. 29/03/2017 stands dismissed.
2. Copies of this order be given to both the parties.

(Shri S.V. Fulpagare)  
**Member**

(Shri S.M. Mohite)  
**Member**

(Shri V.G. Indrale)  
**Chairman**