

**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-E-225-2014 dtd. 30/04/2014.**

Mrs. Mumtaz Khan .....Complainant

V/S

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

**Present**

Chairman

Quorum : Shri R U Ingule, Chairman

Member

1. Shri M P Thakkar, Member

On behalf of the Complainant : 1. Shri Saquib Khan

On behalf of the Respondent : 1. Shri D.N. Pawar, DECC(E)  
2. Mrs. S.K. Utale, AAMCC  
3. Shri S.G. Parab, AAO(P)

Date of Hearing : 06/06/2014 & 04/07/2014

Date of Order : 25/07/2014

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

Mrs. Mumtaz Saquib Khan, Ground floor, Room no. 14, Kopergaon Estate, Love Lane, Byculla, Mumbai - 400 010 has come before the Forum for dispute regarding high bill pertaining to A/c no. 521-269-079.

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

1.0 The complainant has approached to IGR Cell on 13/02/2014 for dispute regarding high bill pertaining to A/c no. 521-269-079. The complainant has approached to CGRF in schedule 'A' dtd. 21/04/2014 (received by CGRF on 28/04/2014) as the consumer is not satisfied with the remedy provided by the IGR Cell Distribution Licensee regarding her grievance.

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

- 2.0 Shri Saquib Khan had complained regarding high bill pertaining to a/c no. 521-269-079, meter no. M092454 for the month of June 2012, August, 2012, September 2012 & October 2012. He has requested the Forum to correct high bills.
- 3.0 In the month of June 2012, the complainant was served electricity bill for the consumption recorded as 10143 accumulated units as meter could not be read as there was no display in the month of May 2012. In the month of August 2012, the complainant was served electricity bill for the consumption recorded as 9285 accumulated units as meter could not be read in the month of July 2012. The complainant was served electricity bill for the consumption recorded 9767 units in September 2012 and 7196 units in October 2012.
- 4.0 The complainant's meter no. M092454 was replaced by meter no. M117741 on 23/03/2013. Meter no. M092454 was tested on 14/05/2013 in the Undertaking's Meter Testing Laboratory and it was found working within permissible limits of accuracy.
- 5.0 The complainant's grievances regarding high electricity bill in the month of June 2012 and August 2012 were redressed by giving slab-benefit and same is reflected in the billing month January 2014. The said meter found working within permissible limits of accuracy in the lab test hence the electricity bills served for the month of September & October 2012 were based on actual consumption recorded by the meter and there is no need to correct the bills.
- 6.0 The necessary debit/credit towards slab benefit, DP charges and interest on arrears for the period 11/04/2012 to 12/08/2013 is calculated and same is reflected in billing month January 2014.

**REASONS**

- 7.0 We have heard Shri Saquib Khan for the complainant consumer and for the Respondent BEST Undertaking Shri D.N. Pawar, DECC(E) along with Shri S.G. Parab, AAO(P). Perused documents placed before us.
- 8.0 A bare perusal of the complaint placed before this Forum in Schedule 'A' manifests that the complainant consumer's grievance has been in respect of receiving high bill to a defective meter no. M092454 for the month of June, August, September & October 2012. The complainant has been further alleged that on making a complaint the officials of the Respondent BEST Undertaking have found the said meter being

defective while checking at the site. Therefore, the said meter no. M092454 came to be replaced. Hence, the complainant consumer has prayed to correct the bill as per actual consumption of electricity from the month of September 2009.

- 9.0 Shri D.N. Pawar, DECC(E) for the Respondent BEST Undertaking has rightly brought to the notice of this Forum that for the month of June 2012, the consumption of electricity has been shown as 10143 units and the same has not only for the month of June 2012 but collective consumption for the month of May and June 2012. In support of his contention he placed a reliance on documents placed at Exhibit 47/C. In a bare perusal of this document, this Forum finds that the reading recorded on 11/04/2012 has been 117088 while on 11/06/2012 it has been 127231 as such the difference in these two units shown, the consumption by the complainant for these two months being 10143 units. As meter reader has brought zero reading, hence charged 3903 for the month May 2012. After getting actual reading of June 2012, the units 3903 has been credited as shown in the debit credit statement is placed at pg. 39/C. This Forum thus finds that as alleged by the complainant consumer, the said consumption is not for the month of June 2012.
- 10.0 The same state of affair has been in respect of the consumption of units shown against the month of August 2012 being 9285 units. In this regard, in a bare perusal of document at Exhibit 47/C viz ***Meter Reading Folio*** manifests that the consumption of units i.e. 9285 has been not only for the month of August 2012 but collective consumption for the month of July and August 2012. This Forum thus finds that the consumption of unit for the month of July 2012 has been shown as 'zero' while for the month of August 2012 the same has been 9285. After deducting 127231 from the reading i.e. 136516 we find the accumulated consumption for both the months i.e. July and August being 9285. These documents at Exhibit 47/C further manifests that the consumption for the month of September 2012 being 9767 and for the month of October 2012 being 7196. We thus find that there is no any error on the part of the Respondent BEST Undertaking in recording the consumption for these four month's as shown in the document at Exhibit 47/C.
- 11.0 Now we turn to the other contention raised by the complainant consumer i.e. the meter no. M092454 provided to her was found to be defective during the site inspection by the officials of the Respondent BEST Undertaking. Shri D.N. Pawar for the Respondent BEST Undertaking has vehemently submitted that the document placed on file at Exhibit 35/C manifests that during ***visual inspection*** at site, the meter was found creeping forward on OFF load. It is therefore to confirm the alleged defect observed at the site, the said meter was removed and tested in the laboratory of the Respondent BEST Undertaking. Shri D.N. Pawar for the Respondent BEST Undertaking thereafter placed a reliance on a Lab Test Report dtd. 14/05/2013 placed on file at Exhibit 37/C. In a bare perusal of this Lab Test Report, we find that in the lab of the Respondent BEST Undertaking this meter has been found to be ***correct in accuracy***. During the checking the same has been confirmed by the hierarchy of officials of the Respondent BEST Undertaking Shri D.N. Pawar has urged that the visual inspection at site cannot be taken as an authentic and scientific checking process of a

meter. It is the test taken in the laboratory of the Respondent BEST Undertaking, has been scientific and needs to be treated as authentic. On perusing these two test reports, we find a force in the argument advanced by Shri D.N. Pawar for the Respondent BEST Undertaking. We hold that the test of the meter no. M092454 carried out in the lab has been more scientific and authentic wherein the said meter has been found to be *correct in accuracy*.

12.0 In this connexion representative for the complainant consumer Shri Saquib Khan has vehemently submitted that the test carried out in the lab of the Respondent BEST Undertaking has neither been in presence of the complainant nor a copy of this has been provided to the consumer. Representative Shri D.N. Pawar for the Respondent BEST Undertaking has rightly brought to the notice of this Forum the Regulation 14.4.2 and 14.4.3 provided under MERC (Electricity Supply Code & Other Conditions of Supply) Regulation, 2005. This Forum finds that as per the statutory provision provided in these two regulations, it is for the consumer to make a payment for testing the meter and thereafter becomes entitle to get a copy of such meter test report from the Respondent Licensee, within a period of two months from the date of request for such testing. Admittedly, no charges for testing the meter has been paid by the consumer. Therefore she cannot claim for getting the copy of such testing report. At the same time we do not find any statutory provision which obligate the licensee to carry out the testing of meter in presence of either consumer or his representative. We thus find that there is no any violation of any statutory rules at the hands of the Respondent BEST Undertaking in carrying out the test of the meter and to reiterate during the lab testing, the meter no. M092454 has found to be correct in accuracy. To conclude on this aspect, we find the said contention raised by the consumer being devoid of any merit.

13.0 Now we turn to the corrections made by the Respondent BEST Undertaking in the bills served on the complainant consumer for giving the various benefits like slab-wise benefit, waiving the DP charges and interest etc. In this respect we observe that the Respondent BEST Undertaking has submitted before this Forum that inadvertently for the month of March 2013, the complainant consumer was charged 2967 units as shown in the debit /credit statement placed at Exhibit 39/C. However, this error on the part of the Respondent BEST Undertaking has been corrected in the subsequent debit/credit statement prepared by the Respondent BEST Undertaking and placed before this Forum. Therein we find that the Respondent BEST Undertaking has shown against the month of March 2013 the chargeable units being 648. The debit/credit statement placed before this Forum also manifests that the Respondent BEST Undertaking has proceeded to give the slab-wise benefit bifurcating the 10143 units into two months i.e. May and June 2012 being 5072 and 5071 respectively. In the same fashion, the debit/credit statement further manifests that the accumulated consumption of 9285 units against the month of August 2012 has been bifurcated as 4643 units for the month of July 2012 and 4642 units for the month of August 2012. In the same document, the Respondent BEST Undertaking has shown the monitory slab-wise benefit worked out by the Respondent BEST Undertaking therein. The Respondent BEST Undertaking has also placed before us the document showing

calculation of giving benefit of DP charges and interest on arrears during the month from September 2013 to May 2014 being Rs. 10,754.89 and Rs. 39,110.45 respectively as such under these two heads that ***DP charges and Interest on arrears*** the total benefit to be given to the consumer has been Rs. 49,865.34.

- 14.0 The Respondent BEST Undertaking by placing on file a copy of an electricity bill for the month of May 2014 has pointed out that therein they have charged the complainant consumer for Rs. 6,59,220.00. The Respondent BEST Undertaking further elaborated that there from a net credit of Rs. 92,628.44 is required to be given to the complainant and the net chargeable amount would be Rs. 5,66,592.00 for the said month of May 2014. This Forum finds that the said credit amount of Rs. 92,628.44 includes slab benefit amounting to Rs. 42,763.10 + DP charges of Rs. 10,754.89 and interest charge amounting to Rs. 39,110.45. As such the total of all these three credited amount comes to Rs. 92,628.44 which has been deducted from the electricity charges amount of Rs. 6,59,220.00. This Forum thus finds that the complainant consumer has been liable to pay electricity charges of Rs. 5,66,592.00 for the month of May 2014.
- 15.0 There has been a bit delay in passing this order as concerned ministerial staff was on leave for considerable period. Besides it, in fair hearing, this matter has been heard in two sittings on different dates. Hence the said delay.
- 16.0 We therefore proceed to pass the following order.

#### ORDER

1. The complaint No.N-E-225 stands partly allowed.
2. The complainant consumer has been liable to pay electricity charges of Rs. 5,66,592.00 for the month of May 2014.
3. The Respondent BEST Undertaking has been directed to serve the amended bill for the month of May 2014 on the complainant consumer within a period of 15 days from the date of receipt of this order for the payment be to made by the complainant against it in three equal monthly installments.
4. The compliance of this order be informed to this Forum within a period of fortnight there from.
5. Copies of this order be given to both the parties.

(Shri M P Thakkar)  
Member

(Shri R U Ingule)  
Chairman