

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. S-A-299-2016 dtd. 16/06/2016.

Mrs. Nalini Ramesh ShahComplainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Chairman

Quorum : Shri V. G. Indrale, Chairman

Member

1. Shri S.Y. Gaikwad, Member
2. Shri S.M. Mohite, Member, CPO

On behalf of the Complainant : 1. Shri Jignesh Shah

On behalf of the Respondent : 1. Shri N.V. Bhandari, DECC(A)
2. Shri R.U. Kasar, Supdt., CC(A)

Date of Hearing : 21/07/2016

Date of Order : 02/08/2016

Judgment by Shri. Vinayak G. Indrale, Chairman

Mrs. Nalini Ramesh Shah Room no. 16, 2nd floor, Swadhin Sadan, P.M. Shukla Marg, 50, C Road, Churchgate, Mumbai - 400 020 has come before the Forum for High bill pertaining to a/c no. 304-137-131*7.

Complainant has submitted in brief as under :

The complainant has approached to IGR Cell on 11/05/2016 for High bill pertaining to a/c no. 304-137-131*7. The complainant has approached to CGRF in schedule 'A' dtd. 01/06/2016 (received by CGRF on 14/06/2016) as the complainant was not satisfied by the remedy provided by the IGR Cell of Distribution Licensee on his grievance.

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

- 2.0 Electric supply has been given to the premises under reference through meter number M014466, A/C Nos 304-137-137. During meter reading process , meter number M014466 found display defective. Hence, consumer was billed on estimated basis from July 2014 to Sept. 2014 i.e. 418 units in July 2014, 419 units in Aug.2014 and 409 units in Sept.2014 (Total 1246 units) as per provisions in Clause no. 15.4 of MERC (Electricity Supply Code and Other Conditions of Supply) Regulations 2005.
- 3.0 The meter M014466 was replaced by new meter M115204 on 16.09.2014 and old meter was sent to our Meter Testing Laboratory for testing purpose. During the testing in laboratory meter number M014466 found correct in accuracy and dial test, but Real Time Clock (RTC) found defective. During testing final meter reading was observed 78351 units.
- 4.0 Based on the correct final reading 78351, the consumer was charged for total 912 units for the period from July 2014 to Sept. 2014(i.e. 304 units per month) and credit of Rs. 3802/- was given to the consumer for the same in June 2015 electricity bill.
- 5.0 Detail reply was sent to the complainant on 22/04/2016 to his complaint letter dtd. 01/04/2016. The copy of test report was also provided to him. The consumer was asked to pay arrears amount vide letter dtd. 22/05/2016 i.e. reply to Annexure 'C' dtd. 14/05/2016.
- 6.0 The consumer's main contention is that, the meter M014466 was not tested in his presence. The contention is true, however the meter M014466 was correctly tested in our Meter Testing Laboratory. Also, the meter was found correct in accuracy and dial test and we could also get final reading at the time of meter removal as 78351.
- 7.0 Based on correct final reading 78351, the consumer was charged for total 912 units for the period from July 2014 to Sept. 2014 (i.e. 304 units per month) and credit of Rs.3802/- was given to consumer for the same in the electricity bill for the month of June 2015. The consumer is liable to pay the same.

REASONS

- 8.0 We have heard the arguments of the complainant Shri Jignesh Shah in person as well as argument of the representative of the Respondent BEST Undertaking. We have perused the plethora of documents placed on record by either party to the proceedings.
- 9.0 We have perused the complaint in Schedule 'A' and it appears that the main grievance of the complainant is that the meter bearing no. M014466 was showing no display during the period from July 2014 to September 2014 and therefore it was obligatory on the part of BEST's representative to test the said meter in his presence. The BEST has not tested the meter in his presence and therefore he disagree with the test report and consequently the action of the Respondent BEST Undertaking giving the credit of Rs. 3,802.50 has been challenged by him in this complaint. It is his further grievance that on electricity bill for the month of December 2014, the concerned employee of the Respondent BEST Undertaking has made an endorsement which we think just and proper to reproduce, "Meter defective, OT meter case pending for dr/cr, on account payment already made." He has filed said bill which is on pg. 23. In the said bill the Respondent BEST Undertaking has shown amount payable as Rs. 6,960.00. Thus the grievance of the complainant is that when on account payment of the said bill had already been made then how the Respondent BEST Undertaking has carved out credit note of Rs. 3,802.50.
- 10.0 We think it just and proper to discuss about the first grievance of the complainant regarding testing of meter in his presence. According to the complainant as per Rule 5.6(a) of I.E. Act, 1956, it was obligatory on the part of the Respondent BEST Undertaking to test the meter in his presence and that has not been done by the Respondent BEST Undertaking and therefore test report which is at Exhibit 'B' cannot be relied. We have requested the complainant to place on record relevant provisions of Rule 5.6 (a) of I.E. Act 1956. On request of the complainant we have given time to place on record this rules and afterwards he failed to produce it and he could not find the said rule on internet. We have cautiously gone through the regulations and do not find any rule by which the Respondent BEST Undertaking was under obligation to test the meter in presence of the consumer. In the instant case the meter was not showing the display therefore it was obligatory on the part of the Respondent BEST Undertaking to test the meter with a view to charge the correct electricity units that too within stipulated time period of three months as per Clause 15.4 of MERC Regulation 2005. In the instant case the complainant never requested the Respondent BEST Undertaking to test the meter and therefore his contention that meter must be tested in his presence has no merit. On this point we have gone through the "Electricity Consumers' Rights Statement" formulated by the BEST which has been approved by MERC and in the said Rights Statement para IV(3) regarding meters, it has been mentioned that consumers have right to get the meter tested for accuracy upon making the request to BEST and upon the payment of testing charges. Besides, the testing facility of the BEST Undertaking, consumers have the right to get the meter tested at such facility as may be approved by the MERC. Consumers have the right to

receive a copy of the test report, which in any case should be provided within two months from the date of request of testing. Such is not the case of the complaint and therefore we do not find any substance in the contention of the complainant that there was need to test the meter in his presence.

- 11.0 Now we deal with the second grievance of the complainant regarding the endorsement made on the bill for the month of December 2014. We have gone through the said endorsement cautiously and it is required to be read in isolation and not in continuation. The representative of the Respondent BEST Undertaking has submitted that as dr/cr note was in progress and therefore as a routine job the concerned employee have passed the remark on the bill of December 2014 and that does not mean that the amount of Rs. 6,960.00 was already paid by the complainant. From the said endorsement if read in isolation, it appears that meter was defective, official testing meter case pending for dr/cr so on account payment already made. The meaning of “on account payment already made” denotes that part payment pending finalization of dr/cr note on the basis of test report is made. The representative of the Respondent BEST Undertaking has submitted that the said endorsement has been made in good faith by the concerned employee with a view that electricity connection could not be disconnected by the staff of Recovery and Disconnection Section on account of non-payment of the electricity charges as the work of dr/cr was in progress.
- 12.0 We have gone through the written submission of the Respondent BEST Undertaking in which they have contended that during the period of July 2014 to September 2014 there was no display of meter and therefore they have charged units on estimated basis i.e. 418 units in July 2014, 419 units August 2014 and 409 units in September 2014. It is their further contention that during the testing of meter no. M014466 the correct final reading was found as 78351 and they have charged correct total units 912 for the period from July to September 2014 and on estimated basis total units were charged as 1246 and therefore they have given credit of Rs. 3,802.50 to the complainant which has been reflected in the bill for the month of June 2015. It appears that the Respondent BEST Undertaking has correctly carved out the units and given credit to the complainant on account of charging estimated units. In spite of this conduct on the part of the Respondent BEST Undertaking the complainant has made grievance only on technical ground of wording mentioned in the bill of December 2014. The test report is at Exhibit ‘B’, in remark column the meter found correct in accuracy and dial test, RTC was found defective. In test report in column no. 12, meter display reading is shown as 78,351.42. It appears that the said meter has been tested in the Meter Dept. maintained by the Respondent BEST Undertaking and therefore it has presumptive value that they have done the act properly during discharging of their official duty, so we do not find any merit in the contention of the complainant that the test report at Exhibit ‘B’ is incorrect. We have gone through Exhibit ‘C’ which is meter ledger folio and it appears that during the period of April 2011 to May 2016 the average consumed units for every month by the complainant appears to be in between 541 to 255. The statement perfectly matches with the

consumption of amendment units, that is 304 units which are charged in accordance with clause no. 15.4 of MERC Regulation 2005.

- 13.0 Before parting to pass final order, we wish to observe that before filing this complaint, he ought to have applied for change of name as the meter is still standing in the name of Smt. Nalini Shah.
- 14.0 Having regard to the above said reasons we do not find any substance in the grievance of the complainant, thus the complaint deserves to be dismissed. In result we pass the following order.

ORDER

1. The complaint no. S-A-299-2016 dtd. 16/06/2016 stands dismissed.
2. Copies of this order be given to both the parties.

(Shri S.Y. Gaikwad)
Member

(Shri S.M. Mohite)
Member

(Shri V.G. Indrale)
Chairman