

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-318-2017 dtd. 25/04/2017

Mr. Naresh G. BhatiaComplainant

V/S

B.E.S.&T. UndertakingRespondent

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 Naresh Bhatia

On behalf of the Respondent : 1. Shri D.H. Chaudhari, AE CC(E)
2. Smt P.V. Sutar, AAM CC(E)

Date of Hearing : 13/06/2017

Date of Order : 14/06/2017

Judgment by Shri. Vinayak G. Indrale, Chairman

Naresh G. Bhatia, Shop no. 4, Ground floor, Plot no. 289/293, Shanti Niketan, Sane Guruji Marg, Saat Rasta, Jacob Circle, Mumbai - 400 011 has come before the Forum for dispute regarding high Bill complaint pertaining to a/c no. 536-062-005

Complainant has submitted in brief as under :

The complainant has approached to IGR Cell on 22/11/2016 for dispute regarding high bill pertaining to a/c no. 536-062-005. The complainant has approached to CGRF in schedule 'A' dtd. 05/04/2017 (received by CGRF on 06/04/2017) 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 came before the Forum regarding his dispute about high bill for the month of September 2015 to January 2016 pertaining to a/c no. 536-062-005.
- 3.0 The electric supply is given to the complainant's premises under reference for commercial purpose under a/c no.536-062-005. Vide ID 2486355 dtd. 09/10/2015, the complainant has lodged high bill complaint. The complainant's meter no. N127529 was tested on site on 03/11/2015 and found working properly. As complainant consumer was not satisfied with the results of testing of meter on site. Meter no. N127529 was replaced by new meter no. N152123 on 04/02/2016 for official testing. Meter no. N127529 was tested in lab in presence of complainant's representative on 31/08/2016 and found correct in accuracy and dial test.
- 4.0 After observing consumption pattern it was found that slab benefit for the period 12/01/2016 to 14/03/2016 was not given. To rectify this credit of Rs. 2087.30 was given towards slab benefit in the bill for the month June 2016.
- 5.0 In Annexure 'C' dtd. 21/11/2016, the complainant has stated that he has given high bill complaint in September 2015. Though his meter found working properly during site testing on 03/11/2015, meter was replaced after 6 months from the date of complaint i.e. 04/02/2016. He further stated that he was paying current electricity bill regularly hence requested to waive DP charges and penalty interest.
- 6.0 Credit of Rs. 21510.81 was given in billing month of January 2017 towards refund of Delay Payment charges and penalty interest for the period November 2015 to November 2016.
- 7.0 Meter no. N127259 was tested in IDEMI (Govt. lab) on 16/03/2017 as per complainant's request and found satisfactory during testing. Charges of testing of meter by the third party in IDEMI lab are borne by the complainant.
- 8.0 From the dispute period, the consumer is paying only current bills. Meter has been tested on various occasions and it was found to be working properly. Also meter N127259 was tested in IDEMI (Govt) lab and found satisfactory during testing. Hence the consumer is liable to pay electricity bill amounting to Rs. 1,80,831 as on April 2017.

REASONS

- 9.0 We have heard the complainant in person and for the Respondent BEST Undertaking Shri D.H. Chaudhari, AE CC(E) and Smt P.V. Sutar, AAM CC(E). Perused documents and written submission filed by the Respondent BEST Undertaking.
- 10.0 The complainant has vehemently submitted that he received a bill for the month of September 2015 showing units consumed as 2041 and it was double consumption than that of average of earlier monthly units. He has further submitted that likewise case in respect of monthly bill for the month of October 2015 to January 2016. According to the complainant, he is doing a business of manufacturing cake and using the fridge and therefore considering the electricity consumed shown by meter no. N127259 during the above said period was excessive and it might be due to jumping of meter. Against this, the Respondent BEST Undertaking has submitted that meter no. N127259 was tested at site, as well as in lab for two times and then lastly it was tested in IDEMI government lab and meter was found correct in accuracy and dial test. Thus the Respondent BEST Undertaking has submitted that the meter was recording correct reading and there was no excessive reading recorded by the said meter during the period September 2015 to January 2016. The Forum wish to observe that in case of commercial use of electricity, no one can expect similar average monthly bill as in case of residential use of electricity. The possibility cannot be ruled out that due to increase in business electricity might have consumed more.
- 11.0 It was pertinent to note that the complainant himself has placed on record all the test reports pertaining to meter no. N127259 and irrespective of this fact he has disbelieved the reading / units recorded by the said meter. Considering test report issued by IDEMI which is supreme authority having independent entity to test the meter and when the said authority found that the meter no. N127259 was found correct in accuracy and dial test, then we have to hold that meter has recorded correct units and there is no force in the submission of the complainant that there was excessive reading due to jumping of meter.
- 12.0 The complainant has further submitted that when he filed the complaint of high bill on 09/10/2015 then why there is delay of four months for replacement of meter which was replaced on 03/02/2016 by new meter bearing no. N152123. The complainant has submitted that if the Respondent BEST Undertaking would have replaced the meter earlier then there would not have been excessive reading by old meter. We do not find any substance in this submission of the complainant as IDEMI testing authority of meter found that the meter was correct in accuracy and dial test. The complainant has further submitted that new meter affixed in the month of February 2016 is showing average normal consumption. If this would be the case then possibility cannot be ruled out that during the period of September 2015 to January 2016 someone would have played mischief by putting electric connection in the meter and ought to have consumed the electricity. For that the complainant cannot blame the Respondent BEST Undertaking in view of Regulation 2.1(t) "Point of Supply" means the

point at the outgoing terminals of the Distribution Licensee's cutouts fixed in the premises of the consumer”.

- 13.0 Having regard to the above said discussion, this Forum therefore finds no grievance in the submission of the complainant that meter was jumping and thereby showing high and excessive reading during the period of September 2015 to January 2016.
- 14.0 We have carefully gone through the submission of the Respondent BEST Undertaking and it appears that they have given slab benefit for the period from 12/01/2016 to 14/03/2016 and have given credit of Rs. 2087.30 in the bill for the month of June 2016. It appears that after receiving complaint in Annexure 'C', the Respondent BEST Undertaking moved the proposal for waiving of DPC and interest and management approved it and thereby they have given credit of Rs. 21,510.81 in the bill for the month of January 2016. Thus it appears that the Respondent BEST Undertaking has given maximum benefit to the complainant although meter was found correct in accuracy and dial test.
- 15.0 The complainant, again and again has submitted that considering his business he had not consumed units as shown by the Respondent BEST Undertaking for the month of September 2015 to January 2016. He has further submitted that he is not in a position to pay the arrears in one stroke as his financial condition is not sound. However, we may hasten to add that meter was in the custody of the complainant and therefore burden lies on the complainant to safeguard the same and to see that nobody can use electricity from his meter. However, at the same time this Forum cannot give a blind eye to the fact that the complainant's financial condition certainly does not enable him to pay such a huge bill in one stroke, therefore there is warrant and justification available to allow the complainant to pay such electricity bill in installment along with waving DP charges and interest thereon. Accordingly, we proceed to pass the following order.

ORDER

1. The complaint no. N-E-318-2017 dtd. 25/04/2017 stands allowed to the following extent only.
2. The Respondent BEST Undertaking is directed to allow the complainant consumer to pay his outstanding electricity bill in twelve equal monthly installments along with current monthly bills.
3. The Respondent BEST Undertaking has been further directed to refrain from levying any interest and DPC on the aforesaid outstanding bill to be paid by the complainant consumer.

4. If the complainant committ default in payment of any installment then he is liable to pay DPC and interest.
5. The compliance of this order be informed to this Forum within a period of one month there from.
6. 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