

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-G(N)-271-2015 dtd. 02/11/2015.

Mrs. Nilam and Mr. Harvendra R. SahComplainant

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 Harendra Sah
2. Smt. Nilam Sah

On behalf of the Respondent : 1. Shri P.P. Kulkarni, DECC(G/N)
2. Smt. P. S. Kekane, AAM(G/N)

Date of Hearing : 09/12/2015

Date of Order : 16/12/2015

Judgment by Shri. Vinayak G. Indrale, Chairman

Mrs. Nilam and Mr. Harvendra R. Sah, Room No. 38, Ground floor, Babasaheb Ambedkar, Satabdi Nagar, Agra Road, Dharavi, Mumbai - 400 017 have come before the Forum for the complaint of high billing from August 2012 to June 2014 pertaining to A/c no. 699-515-025.

Complainant has submitted in brief as under :

The complainant has approached to IGR Cell on 30/03/2015 for high billing from August 2012 to June 2014 pertaining to A/c no. 699-515-025. The complainant has approached to CGRF in schedule 'A' dtd. NIL (received by CGRF on 28/10/2015) as they were not satisfied by the remedy provided by the IGR Cell Distribution Licensee regarding their grievance.

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

- 2.0 Complainant Smt Nilam H & Shri Harendra R Sah has come before the Forum for their grievance regarding high bill for the period August 2012 to June 2014 pertaining to A/C 699-515-025.
- 3.0 Initially electric supply was given to the complainant's premises under reference in the name Aslam Solanki through meter number D981796 a/c No. 699-515-873 from 01/06/1998. This electric meter has been transferred in the name of complainant from May 2012 vide their application (I.D. 1042885) for change of name dated 06/04/2012.
- 4.0 The complainant has registered high bill complaint on 21/08/2012. This meter was tested on site on 31/10/2013 and found working within permissible limits. After further scrutiny it was observed that, the meter D981796 was replaced by meter number C100375 on 25/07/2011 This meter was updated in the system on 31/10/2013. Even though meter number C100375 was not updated in the system , the consumer was billed per as actual consumption recorded by the meter upto May 2013. The complainant was billed on estimated average consumption from June 2013.
- 5.0 Meter number C100375 was replaced by meter number U119692 on 23/01/2014 due to the Management policy as earlier meter was of EMCO make. This meter C100375 was tested in laboratory on 29/03/2014 and found defective.
- 6.0 The electric bill was amended for the period 09/07/2013 to 11/02/2014 as meter number C100375 found defective and consumer was billed on unread / average basis by considering base period as Aug 2012 to May 2013.

REASONS

- 7.0 We have heard arguments of the complainant Shri Harendra Sah in person and for the Respondent BEST Undertaking Shri P.P. Kulkarni, DECC(G/N) and Smt. P.S. Kekane, AAMCC(G/N). We have perused the documents annexed by the complainant along with Annexure 'C' and documents filed by the Respondent BEST Undertaking along with written statement at Exhibit 'A' to 'H'.
- 8.0 The complainant has vehemently submitted that he has made the complaint on 21/08/2012 for high bill and the Respondent BEST Undertaking did not get tested the said meter bearing no. C100375 and therefore the dr/cr note issued by the Respondent BEST Undertaking is not correct. He has further submitted that the meter no. C100375

was replaced by meter no. U119692 as it was found defective when tested in lab on 29/03/2014. The Respondent BEST Undertaking has submitted that the BEST Undertaking has taken decision to remove the meters of EMCO make and therefore they had decided to remove the said meter and when it was tested, found defective as there was no display. Thus the Respondent BEST Undertaking has submitted that meter no. C100375 was defective and consumer was billed on average basis and bills for the period of 09/07/2013 to 11/02/2014 were amended by considering base period since August 2012 to May 2013 i.e. 9 months as consumer was billed periodically and meter was tested on site on 31/10/2013 which found OK.

- 9.0 The Respondent BEST Undertaking has further submitted that they have prepared dr/cr note and accordingly given the credit of Rs. 5,192.46 by giving slab benefit and they have also exonerated DPC and interest levied due to wrong billing amount to Rs. 501.29 and Rs. 3,838.91 respectively for the period February 2014 to March 2015 and credit was given in the bill for the month of October 2015. Thus, the Respondent BEST Undertaking has submitted that they have correctly issued credit bill when the meter was found defective on 29/03/2014 and therefore there is no merit in the complaint of the complainant.
- 10.0 The complainant, after going through the Ledger Folio of meter reading at pg. 75/C and 77/C has submitted that the Respondent BEST Undertaking was required to take base period for average bill since installation of new meter U119692 i.e. March 2014 onwards. This submission of the complainant is not at all sustainable in view of 15.4 of MERC (Electric Supply Code & Other Conditions of Supply) Regulation, 2005. Considering the grievances of the complainant regarding high bill since 21/08/2012 till installation of meter no. U119692, we have to see whether there is substance in his complaint. This Forum has cautiously gone through the record produced by the Respondent BEST Undertaking who is the author of these documents. While arguing the matter, we have made query to the Representative of Respondent BEST Undertaking, DECC(G/N) regarding Exhibit 'G' which according to him is 'Test Report' of meter no. C100375. We have cautiously gone through the Exhibit 'G' and it cannot be termed as 'Test Report' as it is only a 'Meter Updation Report'.
- 11.0 After the complaint was kept for the order, the Respondent BEST Undertaking has placed on record the meter testing report dtd. 24/01/2013 of which copy is given to the complainant and after perusal of the same it appears that the meter was OK. The fact that the Respondent BEST Undertaking has placed on record the same afterwards, shows that the concerned authorities of the Respondent BEST Undertaking were not vigilant in submitting the written statement and relevant documents.
- 12.0 In view of this aspect, this Forum expect that the concern officers of the Respondent BEST Undertaking must be vigilant and more careful about the grievance put forth by the customers and to settle the grievance satisfactorily. It appears that if the Respondent BEST Undertaking would have given the Test Report to the complainant immediately after testing the meter then naturally the complainant would have not approached the Forum for his alleged grievance. We have gone through the Meter

Reading Ledger Folio at pg. 75/C and 77/C and it appears that average meter reading of the complainant is in between 300-250 units. Considering the said Meter Reading Ledger Folio, it appears that due to non-updation of the replaced meter, the Respondent BEST Undertaking has issued average bill on estimated reading and thereby the complainant thought that units recorded by the meter are on higher side. In case of average bill, when the actual reading was taken then in subsequent month there was every likelihood to increase the units.

- 13.0 We have gone through the dr/cr note placed on record by the Respondent BEST Undertaking at Exhibit 'L'. After going through the same it appears that the Respondent BEST Undertaking has taken the base period from August 2012 to May 2013 and carved out the average units as 264 and thereby gave the credit of 395 units to the complainant and also exonerated DPC and interest. It appears that the credit was worked out to Rs. 5,192.46 and said amount has been credited in bill of February 2015. It further appears that DP charges of Rs. 501.29 and interest of Rs. 3,838.91 for the period February 2014 to March 2015 were credited in the bill for ensuing month. Thus it appears that the Respondent BEST Undertaking has correctly issued dr/cr note considering the MERC Regulation 15.4. The complainant has again and again vehemently submitted that he is having one room kitchen and instrument installed is one fan and two lamps, therefore bill charged is high. The Respondent BEST Undertaking has submitted that the premises of the complainant is in Dharavi area and there is every possibility to give electric supply to other hutments in areas. After placing new meter, consumer was using direct supply and therefore there is no substance in the grievance of the complaint.
- 14.0 Having regard to the above said discussion and documents placed on record by both the parties, this Forum did not find any substance in the complaint when the Respondent BEST Undertaking *suo-moto* replaced the meter of EMCO make in view of policy decision and when it was found defective, they have correctly carved out dr/cr note and given the benefit to the complainant by exonerating DPC and interest. In result we pass the following order.

ORDER

1. The complaint No. N-G(N)-271-2015 dtd. 02/11/2015 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