

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-247-2015 dtd. 27/01/2015.

Mr. Sameer Abdul Jabbar PatkaComplainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Chairman

Quorum : Shri V. G. Indrale, Chairman

Member

1. Shri S.S. Bansode, Member
2. Shri S.M. Mohite , Member

On behalf of the Complainant :
1. Mr. Sameer A.J.Patka
2. Mrs. Rizwana Patka

On behalf of the Respondent :
1. Shri D.N. Pawar, DECC(E)
2. Shri D.H. Chowdhary, AECC(E)
3. Shri S.G. Parab, AAO(P)

Date of Hearing : 12/03/2015

Date of Order : 17/03/2015

Judgment by Shri. Vinayak G. Indrale, Chairman

Shri Sameer Abdul Jabbar Patka, Room No. 24, 4th floor, Peerbhai Mansion, 63 Morland Road, Mumbai Central, Mumbai - 400 008 has come before the Forum for High Bill complaint pertaining to A/c no.546-402-043*1.

Complainant has submitted in brief as under :

- 1.0 The complainant has approached to IGR Cell on 09/07/2014 for high Bill complaint pertaining to A/c no. 546-402-043*1. The complainant has approached to CGRF in schedule 'A' dtd. 20/01/2015 (received by CGRF on 23/01/2015) as he was not satisfied by the remedy provided by the IGR Cell Distribution Licensee regarding his grievance.

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

- 2.0 Electric supply has been given to the complainant's premises under reference through Meter No. 0138715 from 25.10.1985. This meter was replaced by meter No.E068958 on 20.09.2007 for the reason meter found sticking.
- 3.0 The complainant consumer was not satisfied with the electrical consumption recorded by the meter E068958. This meter was replaced by meter no. H085589 on 21/01/2014 and earlier meter E068958 was sent for official testing.
- 4.0 On 30/06/2014 meter No.E068958 was tested in BEST's Meter Testing Lab in presence of the consumer and meter found working within permissible limits of accuracy. The complainant consumer has refused to acknowledge the test report of the meter no. No.E068958 by signing on it. Hence, Test Report was sent to the complainant consumer by Registered A.D. on 15/09/2014 which was returned 'Undelivered' for the reason complainant's premises found lock.
- 5.0 On 10.06.2014 consumer complained for excess billing and requested to adjust all his previous bills. On 21.06.2014 meter No.H085589 was tested on site and it was found working OK. As per consumer's request on 2.07.2014 meter No.H085589 was replaced by meter No.A140793.
- 6.0 Since the consumer was not satisfied with site testing an official testing of meter No.H085589 was arranged on 13.08.2014 and 27.08.2014 and consumer was informed vide letter Nos.23619 dt.30.07.2014 dated 28812 dt.19.08.2014 respectively. But on both the dates consumer remain absent.
- 7.0 On 07.07.2014 consumer complained vide Annexure 'C' for excess & fraudulent electricity bill. The Annexure 'C' letter was replied vide our letter Ref.No.CCNE/IGR-E/ Annex. 'C'/690/2014 dated 2.09.2014 informing him the days booked for official testing of meter and he remained absent for the same. The meter installed in his premises found to be working OK and consumption recorded by above meter is as per the electricity usage made by him. We further requested him to pay electricity bill for the month of August 2014 amounting to Rs.63,560/- immediately.
- 8.0 Consumer vide letter dated 11.08.2014 forwarded his complaint to GM, Chairman, Dy.GM, Commissioner of Police, Jt. Commissioner of Police, DECCE, DCECC(N/W) and Secretary (N)-CGRF. The letter was replied vide Ref.No.CCE/IGR-E/807/2014 dated 26.09.2014 and vide Ref.No.CCNE/IGR-E/Annex. 'C'/1041/2014 dated 24.09.2014 and requested him to pay full amount of electricity bill month of October 2014 amounting

to Rs.61,070/-, failing which, supply will be disconnected. Further, we informed him if he is not satisfied with remedial action taken by us, he may approach CGRF.

REASONS

- 10.0 We have heard the argument of the complainant Mr. Sameer A.J. Patka and Mrs. Rizwana Patka and for the Respondent BEST Undertaking Shri Shri D.N. Pawar, DECC(E), Shri D.H. Chowdhary, AECC(E) and Shri S.G. Parab, AAO(P) at length. Perused documents placed on record by the complainant as well as the Respondent BEST Undertaking.
- 11.0 After perusal of the complaint it appears that the complainant had grievance of excess billing since the year 2009. The complainant has filed the electricity bills for the period for July 2009 to December 2014. We have carefully gone through the electricity bills for the above said period and it appears that the complainant has not paid full amount of bill every month and thereby the arrears of electricity bills are carried out in next billing month as well as subsequent bills. It appears that in the month of November 2013, the complainant has paid all the arrears of Rs. 31,500.00 which were due and carried forward since June 2009 and thereby he has cleared off all his dues. Considering this aspect coupled with the provision of Regulation 6.6 of MERC (CGRF & EO) Regulation 2006 by which the Forum shall not admit any grievance unless it is filed within two years from the date on which the cause of action has arisen, this Forum really could not enter into controversy or dispute of the complainant since June 2009 as it is barred by limitation. It is submitted by the complainant that since 2009, he has made grievance to the concerned authorities and did nothing therefore he has recurring cause of action in respect of his grievance of 2009. We do not find any substance in his contention as the complainant has cleared off all the dues since June 2009 to November 2013 and therefore the Forum could not look into the grievance of the complainant for that period.
- 12.0 Now as regards the grievance of the complainant for monthly bills from November 2013 to December 2014, it reveals that during this period also the complainant has not paid full electricity charges and thereby remaining balance is carried out further which has resulted into accumulation of DP and interest. The complainant has submitted that he is residing in the room having area of 240 sq. ft. in which he is having 1 fan, 7 tube lights, 1 refrigerator, 1 air-conditioner and 1 geyser and therefore the electricity charges charged to him is excessive and according to him it is fraudulent. The representative of the Respondent BEST Undertaking has vehemently submitted that initially old meter was affixed in the room and since 2007 electronic meter has been installed and therefore the complainant feels that he is getting more electricity bill. The complainant has submitted that occasionally he used to occupy the room and he used to go Dubai so the electricity charges charged by the Respondent BEST Undertaking are excessive. In order to ascertain this we have perused the Leger Folio filed by the Respondent BEST Undertaking since March 1997 till February 2015. After going through the same, it appears that meter reading shown for the month of March 1997 to January 2000 is zero units. It may be because of complainant ought to have

gone to Dubai or other place. After going through the consumption pattern, it appears that there is no much difference in consumption of electricity charges.

- 13.0 The representative of the Respondent BEST Undertaking has submitted that initially meter no. 0138715 was installed in the complainant's premises on 25/10/1985 and it was replaced on 20/09/2007 by electronic meter E068958 and again on complaint of the complainant the said meter was replaced on 20/01/2014 by new meter H085589 and again on complaint of the complainant the said meter was replaced on 02/07/2014 by meter no. A140793. The complainant has submitted that he has no grievance about the electricity charges charged since the month of August 2014 onwards, but he has grievance about the meter no. E068958 as well as meter no. H085589. On this point, the Respondent BEST Undertaking submitted that as regards the meter no. E068958 they have tested the same on site and it was found OK, but the consumer was not satisfied, therefore, the meter was replaced. It is submitted by the Respondent BEST Undertaking that E068958 was tested in the lab on 30/06/2014 in presence of the consumer and found within permissible limit of accuracy. The Respondent BEST Undertaking has placed on record the said test report at Exhibit 19/C. After perusal of the same it is crystal clear that the meter was tested in the presence of the consumer who without any satisfactory reason failed to satisfy the Forum as to why he refused to sign the same report. In the report, it is mentioned that the above meter is found OK in accuracy test and dial test. Thus considering the meter testing report at 19/C, the Forum do not find any substance in the grievance made by the complainant for the electricity bill through meter no. E068958.
- 14.0 The complainant has vehemently submitted that the Respondent BEST Undertaking has behind the back of the complainant removed the electronic meter no. H085589 and not sealed it in his presence and therefore they had grievance about the reading of units shown through the said meter. The representative of the Respondent BEST Undertaking has vehemently submitted that on the request of the complainant they have removed the said meter and replaced the new meter in the month of July 2014 by issuing letters dtd. 15/04/2014 at Exhibit 21/C and 28/07/2014 at Exhibit 23/C to the complainant requesting him to inform the convenient date for testing the meter in the lab. It appears that again on 13/08/2014, the Respondent BEST Undertaking issued a letter placed at Exhibit 29/C requesting the complainant to remain present on 27/08/2014 at about 9.30 am in meter testing lab and inspite of issue of the said letter the complainant remained absent and therefore the test cannot be carried out. Considering all these documentary evidence it appears that the representative of the Respondent BEST Undertaking co-operated the complainant to remove the doubt of the complainant regarding defect of the electronic meter but the complainant failed to remain present for testing of the meter. The complainant had submitted that even if he would have remained present at the time of testing of meter, he is not an expert person therefore unable to know whether meter is accurate or not. The Forum advised the complainant that he should have remained present along with the expert on the date of testing of meter to remove the doubt from his mind regarding the defect of the meter. Thus considering all these documents *prima-facia* it appears that on 21/06/2014 the Respondent BEST Undertaking tested the meter no. H085589 on site

and found to be working within limits of accuracy as specified in section 14.4 of MERC Regulation 2005 framed under the provision of E.A. 2003. Thus, this Forum after considering the document i.e. L.F., electricity consumed by the complainant did not find any substance in his grievance and therefore he is liable to pay all the electricity dues along with DP and interest levied.

- 15.0 Having regards to the above said reasons and considering the grievance of the complainant regarding electricity bills issued to him through meter no. H085589, the Forum thinks it just and proper to direct the complainant to remain present on specific date for testing of meter with a view to remove any doubt from his mind regarding high and fraudulent electricity bills. Even the complainant is at liberty to opt for testing of the above said meter in government lab on payment of requisite charges and after considering the reports, the Respondent BEST Undertaking is bound to issue revised bill if the meter is found defective.
- 16.0 Having regards to the above said reasons the Forum could not find any substance in the grievance of the complainant. However, with a view to remove doubt from the mind of the complainant regarding high bill, the Forum thinks it just and proper to direct the parties to go through the testing of meter no. H085589 in lab and act as per the findings of the report. In result, we pass the following order.

ORDER

1. The complaint No. N-E-247-2014 dtd. 27/01/2015 stands dismissed.
2. The complainant is directed to remain present along with his representative for testing of the meter on 16/04/2015 and the Respondent BEST Undertaking is directed to act as per the finding of the report.
3. Copies of this order be given to both the parties.

(Shri S.M. Mohite)
Member

(Shri S.S. Bansode)
Member

(Shri V.G. Indrale)
Chairman