

		Date	Month	Year
1	Date of Receipt	10	02	2021
2	Date of Registration	11	02	2021
3	Decided on	05	04	2021
4	Duration of proceeding	53 days		
5	Delay, if any.	—		

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. 22799528

Grievance No. N-GN-423-2021 dtd.

Shri Santosh S. PatkiComplainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Chairman

Coram : Shri S.A. Quazi, Chairman

Member

1. Shri R.B. Patil, Member

On behalf of the Respondent : 1. Shri Sunil Yadav

On behalf of the Complainant : 1. Shri Yogesh Patki

Date of Hearing : 24/03/2021

Date of Order : 05/03/2021

Judgment

- 1 The complainant has requested in his complaint to consider his grievance regarding calculation for the amount of bills for the period from 19/03/2020 to 20/05/2020 during the lockdown period and also to consider his request to apply the Incentive Scheme issued by the Respondent Undertaking in the month of November 2020 (wrongly mentioned in the complaint as 2019).
- 2 The case of the complainant may be summarized as under :
 - a) The complainant is a consumer of electricity supplied by the Respondent under a/c no. 612-201-029 being a residential category consumer. The complainant submits that the calculation of the bill amount for the period from 19/03/2020 to 20/05/2020 is not correct though the complainant is not disputing about consumption of the units billed during this period as noted in the respective bills of these periods. According to the complainant the bill has been broken down for the period from 19/03/2020 to 31/03/2020 as this is as per old rates and from 01/04/2020 to 20/05/2020 as this is as per the new rates. The consumption for the period from 19/03/2020 to 31/03/2020 is 339 units and for the period from 01/04/2020 to 21/04/2020 is 549 units. However, the calculation for the 339 units consumed during 19/03/2020 to 31/03/2020 is not as per the old rates. Similarly the calculation for 549 units consumed during 01/04/2020 to 20/04/2020 does not tally with the new rates. The complainant also wants to know from the Respondent about the manner of calculating the revised Fuel Adjustment Charges (FAC).
 - b) Despite the repeated requests of the complainant, the Respondent has not specified to him about the calculation that has been made by the Respondent for issuing the said bills for the said period. In this regard the complainant is relying on the correspondence made by him to the Respondent. Copies of this correspondence have been annexed to this complaint as Exhibit 'B'.
 - c) The complainant further submits that the Respondent has not extended benefits of the Incentive Scheme issued by the Respondent in the month of November 2020. The scheme consists of 2 options and 3rd option is common to all. The 2nd option provides that if the November 2020 bill is paid in full, then benefit will be provided to such consumer. According to the complainant he has paid the bill for November 2020 in full. What has not been paid is the disputed amount for the period from 19/03/2020 to 25/05/2020. The unpaid amount does not pertain to November 2020. In fact, except of this disputed amount there is nothing payable. Further in any event the scheme provides that the consumers who have paid their bills in time shall be given relief under that scheme for the months from April 2020 to October 2020. This relief under the said scheme ought to have provided by the Respondent to the complainant. However, the Respondent has not provided such benefit under the scheme to the

complainant. The complainant has annexed copy of the scheme issued by the Respondent to this complaint.

- d) Citing the aforesaid circumstances, the complainant has requested this Forum to direct the Respondent to give specifications and explanations of the calculation of the bills and to give benefit of the said scheme to the complainant.

3 The Respondent has filed reply before this Forum and opposed this complaint. The contentions raised by the Respondent may be summarized as under :

- a) It is not disputed that the complainant is the consumer of the Respondent under a/c no. 612-201-021. According to the Respondent the complainant has disputed the arrears of Rs. 8,691.76 of the period of lockdown on spread of Covid-19 virus and electricity bill amounting to Rs. 15,510.00 for the month of June 2020. The arrears of lockdown period Rs. 8,691.76 were debited in the month of June 2020 billed by the Respondent. The consumer / complainant has approached this Forum with the said grievance directly without approaching first to Internal Grievance Redressal Forum (IGRC) of the Respondent.
- b) According to the Respondent, it is the case that during lockdown period arrears of Rs. 15,510.00 have been debited in the bill of June 2020 pertaining to the complainant. During the lockdown period from 19/03/2020 to 20/05/2020 the consumer was charged estimated bill and the calculation of the bill amount charged on old tariff rate i.e. the rate applicable before 01/04/2020.
- c) The meter reading activity has been restored from June 2020. Accordingly, physical meter reading was recorded from June 2020. As the meter was physically read from June 2020, the bill was re-estimated from April, May 2020 and Rs. 8,691.76 were debited in the bill of June 2020. Thus, the total bill of month of June was Rs. 15,510.00 and this was charged to the consumer / complainant. However, the complainant has not paid full amount thereof till date. Only current bill is being paid by the complainant from July 2020 onwards. The dispute raised by the complainant before this Forum is about calculation of electricity bill of June 2020 only. The consumer also wants to know what FAC is. The consumer has not paid the bill of June 2020 till filing of this complaint.
- d) According to the Respondent, due to Covid-19 pandemic the meter reading activity was suspended upto May 2020 and restored in June 2020. So, the consumer was charged estimated reading in the month of April and May 2020 for the 504 units per month. This estimation was based on the basis of the consumption of units in the month of March 2020. The last reading recorded in the month of March 2020 was 23975 units. The actual reading recorded in the month of June was 26354. The difference denotes the actual consumption not billed which is 2379 units. The computer system of the Respondent has distributed the units as 888 for April, 758 for

May and 733 for June 2020. The difference of units denoting actual consumption was $(888 - 504) = 384$ for the month of April 2020 and $(758 - 504) = 254$ for the month of May 2020. Thus for these units of 384 and 254 there was under billing, which is reflected in the month of June 2020. The Respondent has given details of the calculation in reply which shall be referred to herein at later stage.

- e) The Respondent submits that they have given replies to the consumer's email from time to time. It is further submitted that the Respondent has introduced incentive scheme for the benefit of the consumers. That scheme has three options. First is about full amount in one go and second about payment by installment. The said scheme also has third option about already paid bills. In the instant case, the complainant / consumer's bill for November 2020 was Rs. 18,250.00. However, he has paid Rs. 6,719.42, Rs. 4,498.74 and Rs. 2,972.88 respectively since December 2020 to February 2021. According to the Respondent this proves that the complainant has not fulfilled conditions of any of the aforesaid options of the scheme. Hence the complainant is not entitled for any benefit under the scheme.
- f) In view of the aforesaid circumstances, the Respondent has submitted that the aforesaid complaint is liable to be dismissed.

4 We have heard the submissions of parties and noted their submissions as above. In view of the above submissions of the parties and case pleaded by them, the following **points arise for determination**, on which we record our findings as under, for the reasons to follow.

Sr. No.	Points for determination	Findings
1	Whether the amount calculated by the Respondent in the billing period from 19/03/2020 to 20/05/2020 is correct ?	Affirmative
2	Whether the complainant is entitled for the benefits under the Incentive Scheme issued by the Respondent ?	The complainant is entitled for the benefits under the said scheme dtd. 05/11/2020 issued by the Respondent under Option 'C'.
3	To what relief, the complainant is entitled ?	The Respondent is directed to revise the bills from billing month starting from April 2020 to October 2020, so as to give benefit under Option 'C' of the said Incentive Scheme dtd. 05/11/2020 issued by the Respondent and give credit to the complainant, if any.

5 We record reasons for aforesaid findings as under :

- a) As far as the grievance of the complainant about miscalculation etc. in the bills for the month of March, April and May 2020 is concerned, it appears that the Respondent has not given any proper specification to the complainant by giving response to the complainant's various emails dtd. 02/09/2020, 14/09/2020, 18/09/2020, 13/10/2020, 14/01/2021. Whatever reply given by the Respondent to the aforesaid email of the complainant is that "the bills for the month of March, April & May 2020 have been given on the basis of estimation based on the consumption of electricity recorded in the earlier months". In each and every email of the complainant from 02/09/2020 to 14/01/2021, the complainant had been asking the Respondent to specify as to how the amount of bills for the aforesaid period was calculated. This has not been specified by the Respondent in their replies to the email of the complainant. However, in their reply for the first time filed before this Forum in response to the aforesaid complaint, the Respondent has specified the calculations made by them for the aforesaid period from March 2020 to May 2020 reflected in the bill of the month of June 2020. These specifications are as under :

a) 19.03.2020 to 31.03.2020	12 Days	339 units
b) 01.04.2020 to 21.04.2020	20 Days	549 units
TOTAL =		888 units

- 1) 339 & 549 units are calculated slab wise and day wise as follows:

0 to 100	101 to 300	301 to 500	Above 500	Total
a) 100 units Calculated for 12 days $100 / 31 = 3.22$ $3.22 \times 12 = 38$	$38 \times 2 = 76$	$38 \times 2 = 76$	149	339
b) Calculated for 20 days $100 / 31 = 3.22$ $3.22 \times 19.43 \text{ days} =$ 62 units	$62 \times 2 = 124$	$62 \times 2 = 124$	239	549
A + B = 339 + 549 = 888				

- 2) Manner of calculating FAC :- FAC calculated on slab wise on consumed units. The calculations are as follows -

	0 to 100	101 to 300	301 to 500	Above 500	Total
April 2020	$100 \times 0.29 =$ 29.00	$200 \times 0.66 =$ 132.00	$200 \times 0.92 =$ 184.00	$04 \times 1.06 = 4.24$	Rs. 349.24

As per electric bills for the month of May 2020 & June 2020 FAC not charged.

- b) In the course of hearing of the submissions of the parties before this Forum, the representative of the complainant has submitted that the complainant is satisfied with the aforesaid specifications. Therefore, the complainant has not pressed the said issue any more about miscalculations. Hence the calculation made by the Respondent in respect of the bills charged for March, April and May 2020 reflected in the June 2020 is correct and accordingly we have recorded affirmative in point (1).
- c) The next grievance of the complainant is about Respondent's failure to give benefit of the Incentive Scheme issued by the Respondent dtd. 05/11/2020. The complainant has submitted that despite his repeated requests to the Respondent, it has not given specifications about the calculations reflected in the bill for the month of June 2020. Therefore, the complainant has paid some admitted amount as the Respondent has not given specifications of the calculations in time. Even today the statement has been made by the complainant that he is going to pay the amount of Rs. 11,535.00 towards arrears after receiving the specifications given by the Respondent before this Forum. The complainant's representative has submitted that he is therefore entitled for the benefits under Option 'C' of the said scheme. The Option 'C' of the said Incentive Scheme reads as under :
- “The consumers who have already paid their bills in time shall be given relief from DPC, IOA paid by them if any on the bills of April 2020 to October 2020. Those who have paid bills in time shall get 2% prompt payment discount”.
- d) In our considered view, the Respondent was liable to give specifications as to the calculations made by them in respect of the actual consumption of the units for the period from March 2020 to May 2020 as reflected in the June 2020 in view that the complainant had been requesting for the same and the bills issued by the Respondent did not give any sufficient specifications of the calculations shown in the bill of June 2020 which could be understood by a common consumer of electricity. However, still the consumption has paid the admitted amount of bill and kept the disputed portion pending. Therefore, the arrears shown in the subsequent months' bill cannot be said to be such arrears to which aforesaid Option 'C' of the Incentive Scheme would not be applied. In these circumstances we hold that the complainant is entitled for the benefit under Option 'C'. Hence, we have recorded our findings on point no. (2) accordingly.
- e) Having recorded the aforesaid findings on point (2), we hold that the complainant is entitled for the relief as is being indicated in operative order being passed herein below and accordingly we have recorded our findings on point (3). In view of the aforesaid findings on point (1) to (3), we hold that the instant complaint is required to be disposed off in terms as is being indicated in the following operative order. Hence we pass the following order.

ORDER

- 1.0 The grievance no. N-GN-423-2021_ dtd. 11/02/2021 stands disposed off as is being indicated herein below.
- 2.0 The request of the complainant to consider his grievance about miscalculation of the units consumed in the month of March to April 2020 as reflected in the billing month of June 2020 is rejected.
- 3.0 The complainant is entitled for the benefit under Option 'C' of the Incentive Scheme dtd. 05/11/2020 issued by the Respondent. Hence the Respondent is directed to revise the bills from the month of June 2020 to 30/03/2021 and to give benefit of Option 'C' of Incentive Scheme of the Respondent dtd. 05/11/2020 and to give credit thereof to the complainant in the ensuing bill. The Respondent shall comply theses directions by giving effect from the second ensuing bill.
- 4.0 Copies of this order be given to all the concerned parties.

Sd/-
(Shri. R.B Patil)
Member

Sd/-
(Shri S.A. Quazi)
Chairman