

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)-257-2015 dtd. 21/04/2015.

Shri Ajay Kumar YadavComplainant

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. Shri Ishtiyah A. Shaikh

On behalf of the Respondent : 1. Shri S.M. Deshmukh, Supdt. CC (G/N)
2. Shri Narayan L. Watti, AAM CC(G/N)

Date of Hearing : 11/06/2015

Date of Order : 16/06/2015

Judgment by Shri. Vinayak G. Indrale, Chairman

Shri Ajay Kumar Yadav (Late Kevala P.R. Yadav), R.No. 198, Ground floor, Pandurang Chawl, Koliwada Main Road, Dharavi, Mumbai - 400 017 has come before the Forum for high bill complaint regarding a/c no. 763-490-007*5.

Complainant has submitted in brief as under :

- 1.0 The complainant has approached to IGR Cell on 29/01/2015 for high bill complaint pertaining to A/c no. 763-490-007*5. The complainant has approached to CGRF in schedule 'A' dtd. 20/04/2015 (received by CGRF on 20/04/2015) 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 The electric supply was rendered to Kevalaprasad R. Yadav through meter no.E055568 for commercial purpose. The said meter no. E055568 was replaced by meter no.A100368 on 08/01/2011 under Tampered meter case. Since it was tampered meter case, the Vigilance Dept. prepared the claim which was paid by the consumer and case was closed. Further the meter No.A100368 was replaced by meter no.H119288 on 04.07.2012 due to no display which was inadvertently not updated in the system till November 2014.
- 2.1 As display of meter no.A100368 was found defective therefore from November 2011 complainant was not billed properly. Hence from April 2011 to 04.07.2012 debit /credit prepared due to under billed. Due to system updation from manual to computerized complainant was billed on estimated units from May 2013 to October 2014. Hence complainant was given slab benefit from May 2013 to November 2014 as per reading. Therefore total debit/credit period is 21.01.2011 to 12.11.2014 which is under audit scrutiny and same will be adjusted accordingly.
- 3.0 Complainant Shri Ajay Kumar Yadav is not our registered consumer. He has neither applied for Change of Name nor has submitted death certificate of Kavalprasad R. Yadav while applying Annexure 'C' complaint.

REASONS

- 4.0 We have heard arguments of representative of the complainant Shri I.A. Shaikh and Shri Narayan L. Watti, AAM CC(G/N) & Shri S.M. Deshmukh, Supdt. CC (G/N) for the Respondent BEST Undertaking. Perused documents filed by the complainant along with Annexures and documents filed by the Respondent BEST Undertaking along with the written statement.
- 5.0 After hearing the argument of the complainant it reveals that his grievance is in respect of charging of electricity bill for units 2796 and issuing of electricity bill for the month of November 2014. The representative of the complainant is vehemently submitted that action of the Respondent BEST Undertaking of charging the electricity bill for units 2796 without giving slab benefit is illegal and therefore he submitted that the complainant is ready to pay the electricity charges of those unbilled units on getting slab benefit. He has further submitted that meter was not updated and therefore the Respondent BEST Undertaking has issued the average bill since May 2013

to October 2014. We have gone through the Meter Ledger Folio at Appendix 'D' as well as 'C' and after perusal of the same it appears that during the period of above said 18 months average bill is charged and remark is shown as estimated reading. The representative of the complainant has submitted that the meter was not updated by the Respondent BEST Undertaking and therefore he is not liable to pay DP charges and interest as charged by the Respondent BEST Undertaking.

6.0 The representative of the Respondent BEST Undertaking has vehemently submitted that earlier there was case of tampering of meter against the complainant as well as they have forwarded debit and credit proposal Appendix 'G' to the Audit Dept. and same is under consideration and therefore they have not given the slab benefit. We have gone through the said Appendix 'G' and it appears that they have issued the proposal for debit note for the period 21/01/2011 to 12/11/2014. However, this Forum is require to see in respect of grievance put forth by the complainant which is only in respect of charging the bill for units of 2796 in view of average bill charged for the above said 18 months. Considering the grievance of the complainant the Forum is not suppose to see the contentions raised by the Respondent BEST Undertaking in their written statement for the period of 2011.

7.0 It is not disputed fact that the earlier meter no. A100368 is replaced on 04/07/2012 by new meter no. H119288. It reveals that due to RAMCRAM system of recording the units which has been implemented in the month of May / June 2013, the reading was not recorded and there is endorsement on Meter Ledger Folio Appendix 'D' as meter cabin not traceable, meter not found. This is only because of implementation of RAMCRAM system. In view of this aspect the Respondent BEST Undertaking has charged average bill in between 303 and 336 units from May 2013 to October 2014. It appears that for the period from July 2012 to March 2013 meter reading from replaced meter H119288 has been recorded by the Meter Reader in his hand written as per Appendix 'C' in which he has also recorded new meter no. showing its initial reading 43 and date of replacement. We have gone through the said Appendix 'C' in which units for the month of July 2012 to May 2013 was recorded and it tallies with the Ledger Folio Appendix 'D'. We have perused Appendix 'G' which shows the units and reading recorded through the new replaced meter. The Respondent BEST Undertaking has submitted that the total units recorded in replaced meter were 13638 and units recorded in the said meter in the month of March 2013 were 5076 so they have deducted units 5076 from 13638 which comes to 8562. They have divided the said units by 18 and calculated the units for every month which comes to 476. Thus according to the Respondent BEST Undertaking they have credited the 18 months' average units and passed the debit note for 2796 units. However, it was not proper on the part of the Respondent BEST Undertaking to charge the electricity charges on 2796 units without giving slab benefit. Thus the action of charging the electricity bill for 2796 units without giving slab benefit by the Respondent BEST Undertaking appears to be improper.

8.0 The representative of the Respondent BEST Undertaking has submitted that the meter was recorded in the name of Late Kevalprasad R. Yadav and without change of name

Shri Ajaykumar Yadav has put forth his grievance. On this point the representative of the complainant has submitted that Late Kevalprasad Yadav has four sons who are not ready for change of name in the name of any one son and therefore it is not done. This explanation does not found proper, however, the contention raised by the Respondent BEST Undertaking in respect that the complainant has not opted for change of name itself is not a ground to reject the complaint. The Respondent BEST Undertaking has further submitted that the complainant has filed death certificate of Later Kevalprasad Yadav at pg. 9 however in the notice dtd. 24/03/2015 issued to GM (pg. 45/C) it is mentioned that Shri Kevalprasad is not keeping well and hence his client is representing his case before the BEST authorities and this contention in the notice is false and against the record therefore the complainant is not entitle to any relief. From these circumstances it is not proper to hold that the complainant has no *locus-standi* to file the complaint. However, it is expected from the complainant to approach the BEST Undertaking for change of name with the consent of all legal heirs of Late Kevalprasad Yadav.

- 9.0 The representative of the complainant has submitted that there are no arrears of electricity charges since before issuing of electricity bill for the month of November 2014. In order to ascertain this fact we have directed the Respondent BEST Undertaking to place on record the bill for the month of November 2014 as well as May 2015. From both the bills, it reveals that there are no electricity dues pending before November 2014 and arrears shown in May 2015 was due to the above said grievance of the complainant.
- 10.0 Having regards to the above said reasons it is clear that the action taken by the Respondent BEST Undertaking of charging the electricity bill for 2796 units without giving slab benefit is not proper and in accordance with the Regulation. Likewise the meter was not updated due improper attention by the employees of the Respondent BEST Undertaking and so the Respondent BEST Undertaking is not entitled to levy DP charges and interest on that amount. Thus the complaint deserves to be allowed.

ORDER

1. The complaint No. N-G(N)-257-2015 dtd. 21/04/2015 stands allowed.
2. The Respondent BEST Undertaking is hereby directed to issue revised bill of 2796 units by giving slab benefit without charging DP and interest within one month from the date of receipt of the order and compliance will be reported within two months thereon.
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