

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-F(N)-262-2015 dtd. 09/06/2015.

Shri Jayesh G. KavadeComplainant

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 CPO

On behalf of the Complainant : 1. Shri Jayesh G. Kavade
2. Shri Yojesh G. Kavade
3. Shri Gajanan S. Kavade

On behalf of the Respondent : 1. Shri M.M. Bhonsle, DECC(F/N)
2. Smt. T.Y. Rege AAO3

Date of Hearing : 30/07/2015

Date of Order : 06/08/2015

Judgment by Shri. Vinayak G. Indrale, Chairman

Shri Jayesh G. Kavade, Flat no. 704, 7th floor, Bldg. L-3, Wing 'B', Sankalp CHS., Transit Camp Road, Pratiksha Nagar, Sion (E), Mumbai - 400 022 has come before the Forum with his grievance for replacement of his defective meter no. C053984 by meter no. A092992 on 31/12/2013 with allegation that no written communication regarding replacement of defective meter was done with him pertaining to a/c no. 738-860-099*9.

Complainant has submitted in brief as under :

The complainant has approached to IGR Cell on 03/02/2015 theft of electric meter no. C053984 (replacement of meter no. C053984 by meter no. A092992 on 31/12/2013) with allegation that no written communication regarding replacement of defective meter was done with him pertaining to a/c no. 738-860-099*9. The complainant has approached to CGRF in schedule 'A' dtd. 28/04/2015 (received by CGRF on 05/06/2015) 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 was given to the complainant's premises through meter no. C053984. In the month of April 2013 the Meter Reader has reported the meter as defective. Work Order was initiated for testing of meter on 20/08/2013.
- 3.0 Meter testing was carried out on site in presence of the complainant. During the testing, it was observed that meter no. C053984 was not registering units consumed by the consumer. An acknowledgement of the consumer was taken on test report.
- 4.0 Accordingly, the meter replacement work order was generated in the system along with a letter of intimation for the consumer on 06/09/2013. The intimation letter was sent to the complainant by post. The consumer had refused to allow the replacement of defective meter citing the reason that, he has not received the letter and sent back our meter inspector.
- 5.0 Again, intimation letter was generated from the system for the consumer and was sent with the meter inspector to the site. The meter inspector had replaced the defective meter no. C053984 by new meter no. A092992 on 31/12/2013 since the consumer was not present at the time of meter replacement. The Meter Inspector had dropped the letter to his premises.
- 6.0 The meter No.C053984 was replaced under procedure order 203 for lab testing. The Lab Test report also indicates that the manufacturer's label was fallen inside the meter and therefore the accuracy could not be verified. As per the routine practice adopted for all the consumers, defective meter of our consumer was not referred to Electrical Inspector before replacement. Thus the MERC regulations have been observed by us.
- 7.0 The complainant has also complained about a BEST staff staying in his society, who has disclosed his personal information to his society members. On enquiry it is found that there is nobody from our department who stays in his society. Therefore such information is not disclosed to anybody from BEST. The same has already informed to the complainant and requested him to tell the name of BEST staff who has disclosed his personal information. To take action against such BEST staff, if any, does not come under the purview of the department, it can be forwarded to appropriate authority in the BEST&T Undertaking for further investigation and action. The complainant however refuses to give his name, which itself shows that he is not serious about the fact.

REASONS

- 8.0 We have heard arguments of the complainant in person and Shri M.M. Bhonsle, DECC(F/N) for the Respondent BEST Undertaking. We have cautiously gone through the documents filed by the complainant along with Annexures as well as written submission filed by the Respondent BEST Undertaking along with the documents Exhibit 'A' to 'G'.
- 9.0 The complainant has vehemently submitted and made wild allegations against the Respondent BEST Undertaking contending that the Respondent BEST Undertaking has shifted the electric meter no. C053989 i.e. conventional meter / electromagnetic meter and installed electronic meter without informing him and thereby committed theft of electric meter. He has further submitted that he has made correspondence with the Respondent BEST Undertaking but they did not give any clarification for shifting the meter and thereby it leads to imperfection in performing their duty. Thus, considering the grievance of the complainant this Forum wish to observe that whether really the grievance of the complainant comes under the grievance as defined under Regulation 2(1)(c) of MERC (CGRF & EO) Regulation, 2006.
- 10.0 We have carefully gone through the definition of the grievance which is having broad meaning and it covers *any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which has been undertaken to be performed by Distribution Licensee in pursuance of a license, contract, agreement or under the Electric Supply Code or in relation to Standards of Performance of Distribution Licensee as specified by the Commission and includes inter-alia safety of distribution system having potential of endangering of life or property, and grievance in respect of non-compliance of any order of the Commission or any action to be taken in pursuance thereof which are within the jurisdiction of the Forum or Ombudsman, as the case may be.* So according to this Forum the grievance of the complainant certainly comes under the ambit of definition of grievance under the above said Regulation.
- 11.0 After going through the record and written statement filed by the Respondent BEST Undertaking, it reveals that the Meter Reader reported the meter as defective in the month of August 2013 and thereafter estimated readings were being populated due to counter defective code brought in by the MRBC i.e. Meter Ledger Folio Exhibit 'A'. According to the Respondent BEST Undertaking the concerned clerk had initiated work order for meter testing on 20/08/2014 and the testing of the meter was done in presence of the consumer on spot and he had taken acknowledgment of the consumer on the test report Exhibit 'B'. We have gone through Exhibit 'B' which is work order for site investigation of meter testing and it bears signature of the consumer and in remark column it is observed that meter found not registering units and so it requires to be replaced. It is pertinent to note that the consumer in his own handwriting has written on Exhibit 'B' stating that they are not liable to pay pending bill, if any and under what circumstances the meter was failed, kindly provide written notice before

replacing new meter. In view of this aspect of the case, the fact is clear that the consumer has knowledge about the fault in meter which is required to be replaced.

- 12.0 The consumer complainant has submitted that he has not received any intimation for replacement of old meter and the concerned office bearer of the Respondent BEST Undertaking behind his back replaced the meter and thereby committed theft which resulted into harassment to him. On this point, the Respondent BEST Undertaking has submitted that the letter of intimation for the consumer was sent on 06/09/2013 Exhibit 'C' which is computer generated work flow regarding intimation given to the complainant for replacement of meter. It is submitted by the Respondent BEST Undertaking that the consumer refused to allow the replacement at site for the reason that he has not received the letter and sent back the Meter Inspector. Again letter was generated from the system for the consumer and sent with the Meter Inspector on the site. According to the Respondent BEST Undertaking, the Meter Inspector replaced the meter on 31/12/2013 and since the consumer was not present, he dropped the letter to his premises, the said letter is at Exhibit 'D'. Thus considering Exhibit 'C' which is computer generated work flow, it is very clear that the letter was sent to the consumer by post and the consumer intentionally not remain present at the time of replacement of the meter and best reason known to him as to why he opted for the same. The complainant has vehemently submitted that as per Section 171 of Electricity Act, 2003 every notice, order or document by or under this act require or authorize to be addressed to any person may be served on him by delivering the same after obtaining the signed acknowledgment receipt there of or by register post or by such means of delivery as may be prescribed by appropriate government. In our opinion the provision of section 171 of E.A., 2003 which comes under part XVIII (Misc) is not at all applicable to this case as it is pertaining to the recovery of penalty under the E.A., 2003.
- 13.0 After going through the record, it reveals that meter was tested on 28/03/2014 Exhibit 'E' and in remark column it is noted that 'meter's nameplate fallen inside the meter, disk mark was not visible, meter accuracy cannot be taken'. So from the meter test report Exhibit 'E' it is clear that meter was found defective and due to falling of nameplate inside the meter its movement of circulation was obstructed and thereby showing less reading. The complainant has submitted that in test report Exhibit 'E' lab test reference dt. 29/12/2013 is shown and meter is tested on 28/03/2014. On this point the Respondent BEST Undertaking has submitted that initial lab test reference as shown in work order for meter replacement is shown therein and due to heavy work load there was delay in testing the meter. It reveals that the Respondent BEST Undertaking has issued letters dtd. 06/09/2013 and 31/12/2013 to the complainant and there is endorsement on letter dtd. 31/12/2013 that no responsible person was present for signature and therefore signature was not obtained. Thus considering the provisions of MERC (Electric Supply Code and Other Conditions of Supply) Regulations, 2005 (14) which is pertaining to the meters, the Distribution Licensee shall be responsible for the periodical testing and maintenance of all the meters (14.4.1) likewise the consumer has every right to get meter tested on payment of charges as may be approved by the commission under the Regulation 18, request

the Distribution Licensee to test the accuracy of the meter (14.4.2). Considering this Regulation pertaining to the meters under these Regulations it was the duty of the Licensee to see that whether the meter is giving correct consumption or not or there is any defect therein. It is necessary on the part of the Respondent BEST Undertaking to maintain the meter in well condition as the unit consumed generates the revenue for Licensee.

- 14.0 It appears that the electric meter has been provided by the Licensee to the consumer and Licensee has every right to visit place where the meter is installed for noting its correct consumption. Considering this aspect i.e. the relationship of the Licensee and Licensor, in any case it cannot be held that replacement of the meter by the Respondent BEST Undertaking after giving the notice to the consumer never mean to theft or any harassment to the consumer. It appears that during the discharge of the official duty, the concern officials of the Respondent BEST Undertaking has issued the letter to the complainant as shown in Exhibit 'C' computer generated report. They do not have any reason to make false entry in computer in respect of sending the letter to the complainant. On the contrary we have to presume that during discharge of their official duty, they have done the act as per law. In the instant case nothing has been brought on the record by the complainant that the concern officials had any grudge in their mind against the complainant because of some strain relation. It is very strange to observe that the complainant has demanded compensation of Rs. 7 crores for mental and physical harassment in resolving his complaint. He has also prayed to take action against the office bearer of the Respondent BEST Undertaking. We do not find any substance in the above said contention of the complainant.
- 15.0 Having regard to the above said reasons we do not find any substance in the grievance of the complainant. It is not out of place to state that the complainant might have insisted to keep the conventional meter / electromagnetic meter to be installed in his premises under assumption that it gives less reading and electronic / static meter which is installed will give more reading and thereby he might have tempted to file this complaint. Thus the complaint deserves to be dismissed. In result we pass the following order.

ORDER

1. The complaint No. N-F(N)-262-2015 dtd. 09/06/2015 stands dismissed.
2. Copies of this order be given to both the parties.

(Shri S.S. Bansode)
Member

(Shri S.M. Mohite)
Member

(Shri V.G. Indrale)
Chairman