

BEFORE THE COMPLAINANT 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)-155-2012 dtd. 29/06/2012

Shri Sharad C. AggarwalComplainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Quorum :
1. Shri R U Ingule, Chairman
2. Shri S P Goswami, Member
3. Smt Varsha V Raut, Member

On behalf of the Complainant : 1. Shri. Davinder Sing Sudan

On behalf of the Respondent : 1. Shri. N. Somrajan, DECC(G/N)
2. Shri. P.S. Deshpande, AAMCC(G/N)

Date of Hearing : 02/08/2012

Date of Order : 03/08/2012

Judgment by Shri. R.U. Ingule, Chairman

Shri Sharad C. Aggarwal, 6/B, Ground flr., Ashok Silk Mill Compound, 144, Sion Dharavi Road, Mumbai - 400 017 has come before the Forum for his grievance regarding wrongly charged bill of defective meter - A/c no. 699-400-067*8.

Complainant has submitted in brief as under :

- 1.0 The complainant has approached to IGR Cell on 20/04/2012 regarding wrongly charged bill of defective meter - A/c no. 699-400-067*8. The complainant has approached to CGRF in schedule 'A' dtd. NIL (received by CGRF on 27/06/2012) as no remedy is provided by the Distribution Licensee regarding his grievance. The complainant has requested the Forum to make the correction in electricity bill and direct Distribution Licensee not to disconnect electric supply till the dispute get clear.

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

- 2.0 The meter no. M031649 was installed at the premises of the complainant on 12.08.2006. The complainant was billed correctly up to 02.06.2011. From July 2011 onwards the meter was showing no display and hence, the meter could not be read. However, for the month of July 2011 (billing period from 02.07.2011 to 03.08.2011), the complainant was billed for 8000 units on average basis. Meter no.M031649 was replaced by new Meter no. M113949 on 11.07.2011 with initial reading 00. Since there is overlapping of units of new Meter as well as that of average billing, for the period 11.07.2011 to 03.08.2011, necessary credit will be given to the consumer for the extra units charged.
- 3.0 Due to certain technical problems with the newly introduced computerized billing system, as well as due to administrative reasons, new meter No.M113949 could not be updated in the computer billing system till 28.03.2012. It is pertinent to state here that, the meter reader was noting down the meter readings of meter no. M-113949 on most of the occasions as an extra meter found in the cabin while taking the regular readings.
- 4.0 Based on the actual reading of meter no.M113949 taken on 16.03.2012 i.e. 52,116, the bill was calculated of Rs.4,98,002.57 and was handed over to the consumer vide our letter no. DECC(G/N)/476/2012 dated 16.03.2012. The same was duly acknowledged by the consumer / representative.
- 5.0 The bill for the month of March-2012 (bill month April) was prepared, based on the actual reading 54937 taken by the Meter reader on 28.3.2012. The bill amount was Rs.6,03,099.00. The slab wise benefit for this period is being worked out and same will be credited in the account of the consumer. On 01.04.2012, our Mahim Fuse control has received a complaint of burnt Meter No.M113949. After confirming that the meter was burnt, the same was replaced by meter no.N104869 on the same day.
- 6.0 At the time of replacement of meter, the meter was found burnt from inside and no display was visible. Hence, the meter reading at the time of replacement of meter could not be taken. Suitable amendment for the period of 4 days would be carried out, based on past consumption.

- 7.0 It is pertinent to state here that we have not received any complaint for Meter No.M113949 from the complainant, from the date of installation till the meter got burnt on 01.04.2012. The meter was showing progressive reading continuously. The consumption pattern of the above meter no.M113949 was the same as that of earlier Meter number M031649 as well as that of the new Meter no.N104869. Hence, the contention of the consumer that meter no.M113949 was defective is not correct and the bills preferred to the complainant are based on actual Meter reading.
- 8.0 In view of the above, the complainant may be directed to pay the legitimate amount payable to the Undertaking up to bill period June 2012 i.e. Rs.7,06,351/- subject to the amendments applicable as stated above.

REASONS :

- 9.0 We have heard the representative Shri Davinder Sing Sudan for the complainant and for the Respondent BEST Undertaking Shri N. Somrajan, DECC(G/N) and Shri P.S. Deshpande, AAMCC(G/N), at length.
- 10.0 On this occasion this Forum has come across with a complaint teeming and frothing with entirely misleading and ill founded contentions.
- 11.0 A bare perusal of the complaint under consideration, manifest that the complainant has been blissfully complacent dwelling on a solitary contention that his meter no. M113949 was *defective* and therefore the same has been replaced by the Respondent BEST Undertaking with a new meter no. N104869.
- 12.0 The complainant further contends that the said meter was neither tested in the laboratory by the Respondent BEST Undertaking to retrieve the reading of the consumption of units stored in the memory of the said meter, nor any report of such test has been supplied to him. The representative of the complainant vociferously urged before this Forum that in case the said meter has been tested by the Respondent BEST Undertaking, it ought to have supplied the copy of such test report to the complainant. The complainant has been ready and willing to pay the electricity charges as per the terms and conditions pertaining to the *defective meter*.
- 13.0 This Forum finds the representative of the complainant being flummoxed, when Shri N. Somrajan, Div.Engr. CC(G/N) of the Respondent BEST Undertaking confronted him with a laboratory test report giving the details of damage caused to the meter no. M113949.
- 14.0 Thereupon the representative of the complainant proceeded to submit changing his stance that the said meter must have been tested in his absence and he has not been supplied with any copy of the said report. Thereafter for showing the falsity in the said submission made on behalf of the complainant, Shri N. Somrajan, DECC(G/N) for the Respondent BEST Undertaking brought to the notice of the representative of the complainant his signature placed under the said laboratory report.
- 15.0 To the surprise of this Forum thereafter also the representative of the complainant has shown temerity in advancing an ludicrous argument that the copy of the said

laboratory report was not provided to him by the Respondent BEST Undertaking, but the same was supplied to him on his request.

- 16.0 Facts remain that the said meter no. M113949 provided to the complainant, was found to be burnt one, and taking abundant precaution, the Respondent BEST Undertaking has tested and checked the same from the Sales-Service Engineer of the manufacturer of the said meter viz. ELSTER Metering (P). Ltd., Mumbai - 400 064, that too, in presence of the representative of the complainant Shri Davinder Sing Sudan, who has put his signature under the observation recorded by the said official of the manufacturer.
- 17.0 This Forum further finds that as pointed out by the representative of the Respondent BEST Undertaking Shri P.S. Deshpande, it is the complainant who reported about the meter no. M113949 provided to him being burnt on 01/04/2012 to its Mahim Fuse Control centre. Accordingly this Forum finds such compliant being registered in Work Status Record maintained by the Mahim Fuse Control centre of the Respondent BEST Undertaking showing such entry therein along with rest of the complaints from that zone. Admittedly the said burnt meter no. M113949 has been replaced by the Respondent BEST Undertaking with a new meter no. N104869 on receiving such compliant from the complainant himself.
- 18.0 Significant to note that Shri N. Somrajan, DECC(G/N) of the Respondent BEST Undertaking, while taking this Forum through the laboratory report placed before this Forum on the date of hearing, pointed out that the officials of the manufacturer of this said electronic meter has recorded his observation in presence of representative of the complainant, that the V.T. wiring on PCB as well as & R-93, R-94, R-95 found in burnt condition, due to this top cover got melt. Shri N. Somrajan vehemently submitted that on apparent inspection of the said burnt meter we noticed that the same has been deliberately tampered with to get burnt, therefore to prove the same conclusively and for leaving no room for any doubt, we arranged to get said meter tested from the Sales-service Engineer of the manufacturer, that too, in presence of the representative Shri Davinder Sing Sudan of the complainant.
- 19.0 Shri N. Somrajan further stressed that unless a heavy current has been passed through the said meter the V.T. wiring on PCB as well as & R-93, R-94 and R-95 would not burnt. Had there been any fluctuation in electricity supply, in that contingency all the meters installed on the same line, ought to have got burnt along with the said meter. But that is not the case. As the only meter of the complainant no. M113949 got burnt along with the resistances provided therein, it is therefore explicit, that someone has deliberately injected a high voltage in the said meter in order to burn the same. Shri N. Somrajan, DECC(G/N) further contended that it has been a fit case for initiating a criminal proceedings against the wrong doer but for a want of eye witness we could not do so.
- 20.0 In consider view of this Forum the observation recorded by Sales-Service Engineer of the manufacturer of the said meter certainly provides an impetus to the contention raised by Shri N. Somrajan, DECC(G/N) of the Respondent BEST Undertaking. To conclude on this aspect, this Forum on detailed reference to the aforesaid documentary evidence, observes that the meter no. M113949 was burnt one and the same was within the knowledge of the complainant as he had given an intimation to

the Mahim Fuse Control centre of the Respondent BEST Undertaking on 01/04/2012, due to which it was replaced with a new meter no. N104869 on the same day. This Forum further observes that the production of laboratory test report during the hearing of the complainant before us totally shatter and wreck the contentions taken by the complainant that the meter was changed behind his back and the same was neither tested in the laboratory nor he was furnished with the copy of the same. As such we find such contentions pleaded before this Forum by the complainant being entirely false and frivolous.

- 21.0 Last but not the least, contention raised by the complainant has been that to his shock an electricity bill for Rs.6,03,099.00 in the month of April, 2012, has been served on him, showing the consumption of units of 54937 in the month of April, 2012.
- 22.0 In this connexion the representative of the Respondent BEST Undertaking, Shri P.S. Deshpande brought to the notice of this Forum that due to newly introduced computerized billing system, as well as for administrative reason, the meter no. M113949 provided to the complainant could not be updated in the computerized billing system till 28/03/2012.
- 23.0 Shri P. S. Deshpande further submitted that, however the Meter Reader of the Respondent BEST Undertaking was noting down the meter readings of the said meter, as he found the said meter being extra in the cabin, while taking down the readings of the other meters. The representative Shri P.S. Deshpande thus submitted that the Respondent BEST Undertaking is having recorded an actual reading of the electricity units consumed by the complainant from the 28/07/2011 to 28/03/2012.
- 24.0 While reinforcing his arguments Shri P.S. Deshpande adverted to the various documentary evidence placed before this Forum on behalf of the Respondent BEST Undertaking. In this context Shri P.S. Deshpande adverted to folio of extra meter reading placed at Exhibit-3/C. On perusing the same this Forum finds that the Meter Reader had recorded a reading in respect of meter no. M113949 being 3430,9132,15333,23083,35703 & 42184 as tabulated for a period from 28/07/2011 to 28/03/2012. Representative, Shri P.S. Deshpande further placed a reliance on a record maintained by Dy. Engr's Reading, in respect of extra meters which found at site but of which folio is not available in reading files and issued directions for taking further action for billing to the concerned consumers. We find such notes showing consumption of unit recorded by the Meter Reader in respect of meter no. M113949 placed on file at Exhibit-9/C, 13/C, 19/C, 21/C, 23/C, 25/C and the last one at Exhibit 31/C showing the reading as 54937 on 28/03/2012.
- 25.0 We thus find that the Respondent BEST Undertaking has taken down from time to time the actual consumption of electricity units by the complainant vide meter no. M113949 during the period from 28/07/2011 to 28/03/2012 and thus has rightly served a bill for amount of Rs. 6,03,098.40 for consumption of 54937 units. This Forum also find no merit in the contention raised by complainant that his average monthly consumption has been around 3000 units, as he himself has submitted that the consumptions varies with quantum of business and we find the documents placed on file shows clearly the fallacy of the same.

26.0 In the aforesaid observations and discussions, we find the complainant under consideration being false and frivolous. At the same time we find the Respondent BEST Undertaking has substantiated and vindicated its claim of electricity charges made against the complainant for a period from 28/07/2011 to 28/03/2012 by placing before this Forum a plethora of cogent documentary evidence which squarely clinch the controversy raised before this Forum. Needless to observe that the complaint is liable to be dismissed, accordingly we do so.

ORDER

1. Complaint no. N-G(N)-155-2012 dtd. 29/06/2012 stands dismissed.
2. Copies be given to both the parties.

(Smt Varsha V Raut)
Member

(Shri S P Goswami)
Member

(Shri R U Ingule)
Chairman