

		Date	Month	Year
1	Date of Receipt	15	12	2020
2	Date of Registration	16	12	2020
3	Decided on	15	02	2021
4	Duration of proceeding	60 days		
5	Delay, if any.	NIL		

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-FN-419-2020 dtd. 16/12/2020

Mr. Sunil Chheda & Mrs. Lata ChhedaComplainants

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. Mrs. Akhila Karbhari, AAM CC(F/N)

On behalf of the Complainant : 1. Mr. Sunil Chheda (Through video conferencing)

Date of Hearing : 03/02/2021

Date of Order : 15/02/2021

Judgment

- 1.0 The complainants have grievance about high billing in the months of September 2020, October 2020, November 2020 and December 2020 and bill for the period from 11/12/2020 to 17/12/2020 i.e. till the change of the old meter with new meter.
- 2.0 The case of the complainants as submitted by them may be stated as under :
 - a) The complainants have got a/c no. 658-200-001 having two meters bearing no. N154689 and M039506. The dispute is about high bill of the meter no. M039506. According to them the consumption of electricity earlier to September 2020 was not more than 120 units. However, in the aforesaid four months the reading was unreasonably high. The complainants had made the complaint to the IGRC (Internal Grievance Redressal Cell) the Respondent. Thereupon, it appears that the meter was changed on 17/12/2020. Then for the billing month of January 2021, the reading was taken on the new meter bearing no. N218050 and the reading was shown from 17/12/2020 to 12/01/2021 as 113 units. Thereupon, the bill was given by the Respondent Undertaking for the billing month of January 2021 for consumption of units of 117 + 115 units. It appears that this consumption of 115 units in that bill was shown for the period from 11/12/2020 to 17/12/2020 i.e. based on old meter reading till the date of change of meter.
 - b) In the aforesaid circumstance, the complainants had approached the IGRC of the Respondent. It appears that they approached the IGRC before change of meter. The IGRC considered the case and gave credit of Rs. 3664.55 to the complainant considering the consumption of 1555 units recorded by the old meter no. M039506. Being dis-satisfied with the aforesaid observation of IGRC, the complainants have approached this Forum and have requested to remove the aforesaid grievance.
- 3.0 The Respondent Undertaking has filed their reply to the aforesaid complaint before this Forum. The Respondent's case may be stated as under as per their reply and submission made before this Forum.
 - a) The Respondent has admitted that the old meter no. M039506 has recorded wrong reading for the billing month of September 2020 to 17/12/2020 i.e. till change of the meter. On receiving the complaint of complainants about high bill, the Respondent changed the meter and new meter no. N218050 was installed at the site. From the new meter for the period from 17/12/2020 to 12/01/2021, the consumption was recorded as 113 units. On testing the old meter, it was found that the meter was unable to record exact and correct reading of consumption. Considering these circumstances, the Respondent had provided relief to the complainants by adjusting the bill upto September 2020 and relief was given as observed by IGRC. As far as the bill for the period from 11/12/2020 to 17/12/2020 i.e. till change of the meter is concerned, the bill was charged on the basis of 115 units based on the finding of

reading of old meter during this period taken from the old meter at the time of replacement of meter i.e. on 17/12/2020.

- b) In the aforesaid circumstances, during the course of hearing the Respondent's representative Smt. A. Karbhari has submitted that the Respondent has now taken steps to modify the bills for the relevant period on average consumption, in the light of the fact that the old meter no. M039506 was found faulty during the aforesaid period from September 2020 to December 2020.

4.0 We have heard the submissions of the complainant Shri Sunil Chheda on behalf of both the complainants and also of the Respondent's representative Smt. A. Karbhari. We have also perused the record. 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 complainant is entitled for reduction in amount of the bills for the period from September 2020 to December 2020 and 11/12/20 to 17/12/20 in view that the old meter no. M039506 was found defective.	Affirmative
2	What should be the correct principle for charging the bills during aforesaid period ?	As is being directed in the operative order herein below.
3	What order should be passed ?	The complaint is disposed off in terms of the operative order being passed herein below.

5.0 We record reasons for aforesaid findings as under :

- a) On hearing the submissions of the parties and perusal of the bills for the period from September 2020 to December 2020 and the bill of January 2021 and also on perusal of the documents of record about consumption pattern produced by the Respondent with their reply, it appears that the complainants have grievance about the meter no. M039506. It is not disputed that this meter has recorded incorrect and wrong reading for the billing period from September 2020 to December 2020 and for the period from 11/12/2020 to 17/12/2020 i.e. till replacement of the meter. We have noticed that the said meter has recorded the consumption of units of 1555, 642, 880 and 1805 for the billing period from September 2020 to December 2020 respectively and 115 units for the period from 11/12/2020 to 17/12/2020. The Respondent has admitted that the reading during this period was incorrect and it appears to be technical fault.

- b) In view of these circumstances, we find that the complainants are entitled for appropriate relief as is being herein below, to remove their grievance about high billing during the aforesaid period. Hence, we have recorded affirmative findings at point (1).
- c) Having held that the old meter has recorded incorrect reading during the aforesaid billing period, the question is then what should be the appropriate and proper principle to charge the complainants during the aforesaid period in respect of consumption of electricity. In this regard we find Regulation 15.4.1 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code And Other Conditions of Supply) Regulations, 2005, to be relevant to deal with the aforesaid situation. It provides as under:-

15.4 Billing in the Event of Defective Meters

15.4.1 Subject to the provisions of Part XII and Part XIV of the Act, in case of a defective meter, the amount of the consumer's bill shall be adjusted, for a maximum period of three months prior to the month in which the dispute has arisen, in accordance with the results of the test taken subject to furnishing the test report of the meter alongwith the assessed bill;

Provided that, in case of broken or damaged meter seal, the meter shall be tested for defectiveness or tampering. In case of defective meter, the assessment shall be carried out as per clause 15.4.1 above and, in case of tampering as per Section 126 or Section 135 of the Act, depending on the circumstances of each case;

Provided further that, in case the meter has stopped recording, the consumer will be billed for the period for which the meter has stopped recording, up to a maximum period of three months, based on the average metered consumption for twelve months immediately preceding the three months prior to the month in which the billing is contemplated.

- d) Considering that the old meter was admittedly unable to record exact and correct reading of consumption of electricity, we are of the opinion that second proviso of the aforesaid regulation would be more appropriately applicable. Because fault in the meter to record exact and correct reading of consumption would come within the meaning of stoppage of recording of correct consumption. Therefore we hold that the Respondent is entitled to charge the complainants only for three months for the aforesaid period on the basis of the average of the consumption recorded during the one year preceding to the month of wrong recording of the reading by old meter. In the instant case, the wrong recording of reading was started by old meter from billing month of September 2020 to December 2020 i.e. 17/12/2020. Therefore, considering the aforesaid regulation, it would be appropriate for the Respondent to charge the complainants on the basis of the average consumption for preceding one year i.e. from billing month July 2019 to August 2020, on considering the document of consumption pattern pertaining to the aforesaid meter no. M039506 produced by the Respondent. We have found that during the said one year's bill period 1187 units were shown as consumed. If it is divided by 12 months, the average would come to 98.92 units per month and round figure thereof would be 99 units. Therefore, the Respondent is entitled to charge the complainants at the rate of 99 units per month upto maximum

period of three months for the aforesaid billing period from September 2020 to December 2020 and from 11/12/2020 to 17/12/2020 i.e. till replacement of the old meter. Accordingly, the complainants are entitled for the relief and we think that if said directions are given to the Respondent, the grievance of the complainant would be redressed fairly. Hence, in these terms the complaint may be disposed off. Accordingly we have recorded our findings for point (2) & (3).

6.0 In view of the aforesaid findings we pass the following order:-

ORDER

- 1.0 The grievance no. N-FN-419-2020 dtd.16/12/2020 stands allowed in the terms as follows herein.
- 2.0 The Respondent is directed to amend the bill for the billing period from September 2020 to January 2021 so as to charge the complainants for the billing period from September 2020 till the time of replacement of meter on 17/12/2020 only for three months on the basis of average of 99 units per month and for the later period i.e. from 17/12/2020 onwards, to charge on the basis of the reading shown by the new meter. After doing so, the Respondent is directed to give appropriate credit in respect of the excess units which were charged in the electricity bill issued to the complainants during the aforesaid period.
- 3.0 The aforesaid directions be complied with by the Respondent **within one month** from date of receipt of this order.
- 4.0 In these terms the complaint is allowed and disposed off.
- 5.0 Copies of this order be given to all the concerned parties.

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

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