

	Date	Month	Year
1	Date of Receipt	08	04 2024
2	Date of Registration	10	04 2024
3	Decided on	31	05 2024
4	Duration of proceeding	51 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. FS-494-2024 dtd. 10/04/2024

Shri Swapnil AshtekarComplainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Chairman

Coram : Shri M.S. Gupta, Chairman

Member

1. Smt Anagha A. Acharekar, Independent Member
2. Smt Manisha K. Daware, Technical Member

On behalf of the Respondent : 1. Shri S.S. Mairh
2. Shri P.B. Gadankush

On behalf of the Complainant : Shri Swapnil Ashtekar

Date of Hearing : 21/05/2024

Date of Order : 31/05/2024

anagha
Manisha
Shome

Judgment

- 1.0 The complainant is the grandson of the registered consumer Shri. B.R.Ashetekar. The grievance of the complainant is that the meter no. A125788 was tested in lab in the month of February 2023 without informing him. According to him, as per clause 15.6.4 of MERC Regulations, 2021 it is mandatory to inform the consumer before testing the meter. But it was not done. He further stated that the respondent has charged him high electricity bill of Rs. 5600/- that too after a year.
- 1.1 The complainant's case, in short compass, is that an amendment bill of Rs. 5600.00 for the period from December 2022 to February 2023 of the defective meter was charged in the month of March 2024. On enquiry with the respondent it was informed to him that his meter no. A125788 was found smokey hence it was replaced by meter no K219654 on 10/02/2023. The old meter A125788 was tested in laboratory on 08/03/2023 and was declared faulty. Hence, it was replaced by new meter no. As per the consumption pattern of the old meter A125788, the amendment was calculated which worked out to Rs. 5643.98 for the period of three months i.e. from December 2022 to February 2023 with average of 336 units per month.
- 1.2 During the hearing the complainant contended that the meter was replaced and tested without informing him. According to him the average units calculated by the respondent were not proper. Further, he mentioned that he has received the amended bill of the defective meter almost after one year. The complainant has requested the Forum to resolve the high bill grievance.
- 2.0 The respondent submitted that as per OLCC System, Consumer A/c No. 582-047-443 is in the name of Shri. B.R.Ashetekar for the premises having address 2ndFloor, Room no.31, Parvati Building, Phalke Road, Mumbai- 400 014. Further they contended that auto triggered complaint for defective meter was registered through OLCC system for Meter no.A125788. The said meter was replaced on 10-02-2023 with a new Meter no. K219654.
- 2.1 Clause 15.6.1 of the MERC Regulations, 2021 (Electricity Supply Code and Standard of Performance) is reproduced below:
- 15.6.1 "The Distribution Licensee shall have the right to test any meter and related apparatus at any time if there is a reasonable doubt about accuracy of the meter."*
2. 2 Pursuant to the above Regulations, Meter no. A125788 was tested on 08.03.2023 at the BEST Undertaking Laboratory. The Test revealed defects in the meter.

- 2.3 As per the Consumption pattern of old meter no. A125788 (Year 2022-2023), the average unit was calculated with the base period 30-05-2022 to 27-08-2022 i.e 336 units for the period of Dec 2022 to Feb 2023. The amendment amount was audited and worked out for Rs. 5,643.98 payable by the consumer. The said amount was debited in the month of March 2024 electricity bill.
- 2.4 The respondent stated that the complainant has raised objection to the amendment amount of Rs. 5,643.98 through various emails, arguing that base period of 337 units is not applicable due to civil work being undertaken at his residence and no electricity home appliance being used during that time. In response, they have communicated to the consumer via email that the justification provided regarding civil work is deemed unacceptable, as it does not conclusively demonstrate that electricity was not utilized during that period.
- 2.5 Clause 16.4.1 of the MERC Regulations, 2021 is reproduced below:
- "16.4 Billing in the Event of Defective / stuck / stopped / burnt Meters.*
- 16.4.1 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 along with the assessed bill."*
- 2.6 The amendment was calculated with the base period from 30-05-2022 to 27-08-2022 having average which comes out to be 336 units. It was charged for the period of December 2022 to Feb 2023 as per clause 16.4.1 of the MERC Regulations, 2021.
- 2.7 The respondent requested the Forum to dismiss the case as the amendment for defective meter is calculated as per the MERC Regulations, 2021.
- 3.0 From rival submissions of the parties following points arise for our determination with findings thereon for the reasons to follow.

Sr. No.	Points for determination	Findings
1	Whether the amended bill for the period from December 2022 to February 2023 for defective meter is valid ?	Negative
2	What order ?	As per final order.

Arjun M.

Atanekar

REASONS

4. Point no.1

- 4.1 We have heard both the parties. We have gone through the documents filed by them. The complainant during the course of arguments submitted that he was charged with high bill of Rs. 5600 in the month of March 2024 for the defective meter no. A125788 which was replaced on 10/02/2023 by new meter no. K219654. The high bill was amendment bill for the period from December 2022 to February 2023. The old meter no. A125788 was tested in the laboratory on 18/03/2023. However, during the testing the complainant was not informed to witness the testing. The complainant complained that the meter was replaced without informing him.
- 4.2 The respondent contended that meter no. A125788 found smokey and not displaying the consumption, hence the meter was replaced by new meter bearing no. K219654 on 10/02/2023. The old meter was sent for lab testing. The testing was carried on 08/03/2023 and it was found defective. The respondent further contended that the amendment was calculated on average units of three months, considering the base period 30-05-2022 to 27-08-2022 which came out to 336 units per month. It was charged for the period of December 2022 to Feb 2023 as per clause 16.4.1 of the MERC Regulations, 2021.
- 4.3 The Forum has gone through certain of MERC Regulations, 2021 pertaining to replacement and testing of meter, billing in event of defective meter which are produced below :

15.2.1 Installation or replacement of the meter shall be done by the Distribution Licensee's engineer or its authorized representative in the presence of the Consumer or his authorised representative, after giving a notice by hand delivery or post or courier or any digital means of communication at least Two (2) days prior to the installation of meter. If Consumer or his authorised representative are not present then the Distribution Licensee shall proceed with Installation or replacement of the meter.

15.2.2 The Distribution Licensee shall record the details of the existing meter and replaced meter including the initial reading of the new meter being connected and the final reading of the old meter being removed. The Distribution Licensee shall convey these details to the Consumer through written communication by hand delivery or post or courier or any digital means of communication.

15.6.4 Before testing a Consumer's meter, the Distribution Licensee shall give advance notice through written communication by hand delivery or post or courier or any digital means of communication of at least Two (2) working days, intimating the date, time and place

[Signature]

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of testing so that the Consumer or his authorised representative may be present at the testing.

15.6.5 The Distribution Licensee shall dispatch the test report to the Consumer, to be received under acknowledgment, within a period of Fifteen (15) days of conducting the test.

16.4.1 xxx xxx xxx
xxx xxx xxx

Provided further that, in case the meter is stuck, burnt, lost or has stopped recording, the Consumer will be billed for the period for which the meter is stuck or has stopped recording or for the period for which meter was not available due to burning or loss of meter, up to a maximum period of Three (3) months, based on the consumption during the corresponding period in the previous year when readings were taken or the average consumption of the previous Three (3) billing cycles for which the meter has been read by the Distribution Licensee, whichever is higher:

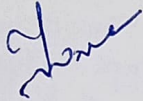
- 4.4 In view of above, it is crystal clear that the respondent has miserably failed to follow the above mandatory provisions of at the time of replacement and testing of meter as well as calculating the amendment of bill.
- 4.5 The respondent has billed the complainant on the basis of period from 30-05-2022 to 27-08-2022 having average which comes out to be 336 units. It was charged for the period of December 2022 to Feb 2023. However, it is noticed that the average is not taken as per clause 16.4.1 of MERC Regulations, 2021. The average units based on the consumption during the corresponding period in the previous year when readings were taken from Dec 21 to Feb 22 comes to 266 units whereas the average consumption of the previous Three (3) billing cycles for which the meter has been read comes to 121 units (Sept 2022 to November 2022). Thus, in view of the aforesaid Regulations, out of both these calculations, the units whichever comes higher has to be taken into consideration for billing purposes of the disputed period. Hence, for the calculation of amendment bill the average units should be considered as units per month which is higher. Accordingly, necessary direction has to be issued to the respondent.
- 4.6 In view of forgoing discussion, we answer the point no. 1 in negative and pass the following order as answer to point no. 2.

Answer.

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name

ORDER

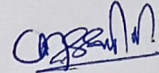
1. The Grievance No. FS-494-2024 dtd. 10/04/2024 is allowed.
2. The respondent is directed to revise the bill according to MERC Regulations, 2021 and consider the average as 266 units per month for amendment bill for the period of December 2022 to February 2023 and adjustment to be done accordingly in the ensuing bill.
3. Copies of this order be given to all the concerned parties.



(Smt. Manisha K. Daware)
Technical Member



(Smt. Anagha A. Acharekar)
Independent Member



(Shri Mahesh S. Gupta)
Chairman