

		Date	Month	Year
1	Date of Receipt	19	02	2021
2	Date of Registration	22	02	2021
3	Decided on	19	04	2021
4	Duration of proceeding	56 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. N-FS-424-2021 dtd. 22/02/2021**

Mrs. Roshan Bharucha .....Complainant

V/S

B.E.S.&T. Undertaking .....Respondent

**Present**

**Chairman**

Coram : Shri S.A. Quazi, Chairman

**Member**

1. Shri R.B. Patil, Member

On behalf of the Respondent : 1. Shri Prashant B. Gadankush

On behalf of the Complainant : 1. Shri Hormuzd Bharucha

Date of Hearing : 12/04/2021

Date of Order : 19/04/2021

### Judgment

1. The complainant has approached to this Forum with a grievance that his bill given in the month of August 2020 showing bills of previous 4 months i.e. from April to July 2020 was abnormally on higher side and on his complaint, no step has been taken by the respondent for removing this grievance. Therefore, he has requested in this complaint before this forum to give necessary directions to the Respondent to revise the billfold reduce the amount.
2. The case of the complainant may be stated as under :
  - a) The complainant is consumer of the Respondent under the a/c no. 565-375-043 since last more than 25 years. He had received the bills for the months of April to July 2020 and he paid the same accordingly. However, subsequently, in the month of August 2020 he received a bill in which it was stated that this bill was pertaining to the period from April to July 2020 on actual reading, as the earlier bills of these months were based on Vera gel estimation. The Respondent had mentioned in the bill given in August that on taking the actual reading the consumption recorded by the meter was revealed and based on such actual consumption the bill was calculate to Rs. 25,440.00 for consumption of total units of 2261 during the aforesaid period of four months.
  - b) On receiving the said bill for Rs. 25,440.00 for 2261 units for four months, the complainant had complained to the Respondent. Thereupon, the Respondent considered the said complaint only to give slab benefit due to accumulation of bill for four months. Thus, the said bill of Rs. 25,440.00 was reduced to Rs. 16,073.00 and only credit of Rs. 9367.00 was given to the complainant. The complainant was still not satisfied. Under protest he paid Rs. 12,000.00 in February 2021 and then in March 2020 he paid Rs. 1,369.00 out of said Rs. 16,073.00. He has approached the Respondent but no satisfactory relief was given by the Respondent. Being aggrieved thereby, the complainant has approached to this Forum with the aforesaid request.
  - c) In the course of hearing of oral submissions before this forum, the complainant had submitted that he never consumed the electricity at the rate of 565 units per month in the history of 25 years of his electricity connection. But the impugned bill shows such a high rate of consumption and it is factually incorrect. Therefore, he submitted that something wrong has occurred to the recording of reading or wrong has been done to his bills and therefore he has submitted that the bill be revised to the normal rate of consumption.
3. The Respondent has given reply and opposed the said complaint. The case of the Respondent may be summarized as under :
  - a) It is not disputed by the Respondent that the complainant is the Respondent's consumer since more than last 25 years under the aforesaid account number.

- b) The Further case of the Respondent is that when in the month of March 2020 it was noticed by the Respondent that the then existing meter on the premises of the complainant was not displaying the reading, the said meter was changed by the Respondent. The new meter was installed after testing in laboratory and it was found accurate. At the time of installation the reading of the new meter was '00002'.
- c) After installation of the new meter as above, the lockdown was started in the state of Maharashtra, including the city of Mumbai on the directions of the government due to spread of Covid-19 virus. In view of this, the Maharashtra Electricity Regulatory Commission (MERC) had given directions to all the Distribution Licensees to avoid to take actual meter reading from the premises of the consumer during the lockdown period and to give the bills to the consumer on the basis of the average consumption of the earlier and corresponding periods. Accordingly, the Respondent gave bills to the present complainant / consumer on average basis during the period from April to July 2020.
- d) As per the directions of MERC, in August 2020, the actual reading of the meter was started. When the complainant's meter reading was taken, it was found that the reading of consumption was 2261 units for the period from April to July 2020. Therefore on the basis of this actual reading of the consumption, the Respondent bifurcated the said figure of consumption of units 2263 into four months and thus it was calculated that during months of April to July 2020, there was consumption of 565 units per month. Therefore the bill of Rs. 25,440.00 was given to the complainant.
- e) When the complainant made the complaint about the high billing of Rs. 25,440.00, the Respondent considered his grievance and found that as the bill was accumulated for four months period, the complainant was entitled for slab benefit which was not given while calculating the bill of Rs. 25,440.00. Considering this, the Respondent revised the bill by giving slab benefit to the complainant. Thus the respondent reduced the bill to Rs. 16,073.00 and gave credit of Rs. 9,367.00 to the complainant. Out of this amount of Rs. 16,073.00, the complainant paid Rs. 12,000.00 in the month of February 2021 and Rs. 1,369.00 in the month of March 2021. According to the Respondent, out of the said amount, the complainant has to pay the amount of Rs. 3,292.00 apart from the bills for subsequent months, which he is regularly paying but he has not paid the said dues of Rs. 3,292.00.
- f) In the course of hearing of submissions before this forum, the representative of the Respondent has submitted that the said consumption was recorded on the new meter on the basis of actual reading taken on new meter. The meter was found accurate when it was checked in the laboratory before installation on the premises of the complainant. Therefore, there was no defect in the recording of consumption of said number of units of electricity and the amount billed as above. On the query made by the Forum to the representative of the Respondent, he has submitted that in the summer season from April to July 2020 the average of the consumption of the

complainant's premises was 565 units per month, it was 387 units per month in April to July 2019, it was 408 units per month in April to July 2018, it was 404 per month in April to July 2017 and it was 415 units per month in April to July 2016.

4. In reply to the submissions of the representative of the Respondent, the complainant's representative has submitted that even in the year 2016 to 2019 during the period from April to July, as pointed out by the representative of the Respondent, the consumption was not more than 415 units then how in the period from April to July 2020 the consumption could have been 565 units per month. According him this is not explained by respondent and thus it is unjustifiable. Pointing out this, the representative of the complainant has submitted that something is wrongly happened with billing billing, and hence the complainant is entitled for reduction in the bills. He has submitted that even if the meter is required to be replaced it may be done.
5. On hearing the submissions of the parties and considering the pleadings and documents on records, we find that 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	Is billing done by the Respondent for the period from April to July 2020 correct ?	Affirmative
2	What order should be passed ?	Dismissed

6. **We record reasons for aforesaid findings as under :**
  - a) As noted herein earlier, the dispute is only about the bills of the period from April to July 2020 given in the month of August 2020 to the complainant for Rs. 16,073.00 in respect of the consumption of units of 2261. If considered the case of the Respondent, it is found that in the month of March 2020, the Respondent has changed the old meter and installed new meter at the premises of the complainant. The aforesaid consumption of 2263 units of electricity, during the months of March to July 2020, was recorded by the said new meter. This was revealed only when reading was taken physically from the meter in the month of August 2020. The Respondent has submitted that the old meter was not displaying the reading and therefore it was necessary to change it. The representative of the Respondent has submitted that the meter was checked before the installation and it was found accurate. We find the report of the said testing with the reply of the Respondent on record at pg. 55/C. The contention that the new meter is accurate and free from defect is supported by the said test report. Therefore, the submission of the complainant that the billing was high than the actual consumption, cannot be accepted particularly when it is admitted by the complainant in the course of hearing that from the September 2020 onwards the reading of new meter is accurate and correct. At pg. 57/C, the documents submitted

by the Respondent with their reply show that in September 2020 the consumption of 368 units was recorded. These documents also show that in October 2020, 364 units were consumed, in November 2020, 352 units were consumed, in December 2020, 327 units were consumed and in January 2021, consumption of 296 units was recorded on the same new meter from which the reading for the billing of the period from April to July 2020 was taken in the month of August 2020 and which shows the consumption for the said four months' period is 2261 units.

- b) When these circumstances were noticed in the course of hearing of the submissions, the representative of the complainant has submitted that no doubt from September onwards the reading is as per his expectation but in the period from April to July 2020 still the recording of consumption at the rate 565 per month is on higher side even if the corresponding summer season of the years 2019, 2018, 2017, 2016 is considered. Therefore, he has submitted that something wrong has been done with his billing. We are unable to accept such submission of the representative of the complainant based merely on assumptions without pointing out any justifiable reason to doubt the correctness of the billing, particularly when it is clear from the record that the bill was given on the basis of the actual reading of the new meter. There is no justifiable ground for doubting it. Merely on the above submissions of the complainant, we can not hold that the billing for the disputed period is illegal or factually unjustifiable. We find that the submissions of the Respondent's representative in this regard are more appreciable that in the period of lockdown the people were staying at home for whole time and therefore general observation of the Respondent is that they were consuming more electricity than the normal days. Probably this may be the reason for higher recording of consumption during April to July 2020 and we do not find any abnormality or any defect in the billing of the disputed period.
- c) For these reasons, we have held that the billing for the month of April to July 2020 mentioned in the bill of August 2020 is correct and accordingly we have recorded affirmative findings on point (1). In view of the aforesaid findings on point No. (1), we hold that this complaint has no merits and hence it is liable to be dismissed and accordingly we have answered point (2). Hence we pass the following order.

### **ORDER**

- 1.0 The grievance no. N-FS-424-2021 dtd. 22/02/2021 stands dismissed.
- 2.0 Copies of this order be given to all the concerned parties.

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

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