

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)-50-2008 dt . 16/6/2008

Mr. Rajendra Visanji Popat Complainant
V/S
B.E.S. & T. Undertaking Respondent

Present

Quorum 1. Shri. M.P. Bhave, Chairman
2. Shri. S. P. Goswami, Member
3. Smt. Vanmala Manjure, Member

On behalf of the Complainant 1. Shri. Jatin R. Popat
2. Shri. Rajendra V. Popat

On behalf of the Respondent 1. Mrs. S.A. Rege, Supdt.(F/N)
2. Shri. R.P. Gathe, AO, (F/N)

Date of Hearing: 5/08/2008

Judgment by Shri. M.P. Bhave, Chairman

Mr. Rajendra Visanji Popat has come before this Forum for his grievance regarding inflated bill for the month of May 2007 and thereafter. He has requested Forum for fair settlement of bills from May 2007 and thereafter.

Brief history of the case

Shri. Rajendra Visanji Popat, 215/7, Mayur Hilla, R. A. Kidwai Road, Wadala, Mumbai has approached licensee i.e. BEST undertaking on 3/4/2008 in Annexure 'C' Format regarding his grievances pertaining to excessive billing for the month May 2007 and thereafter. Unsatisfied by the reply of licensee the consumer approached CGR Forum in schedule 'A' Format on 16/06/2008.

Consumer in his application and during Hearing stated the following

1. The consumer has complained about inflated bill for the month of May, 2007 and thereafter. Main complaint contained in the letter dt. 18/6/2007. Reply of BEST Undertaking not satisfactory.
2. He complained for absolute excessive billing for the month of May 2007 having consumer no. 651-261-029. The bill he received for the month of May 2007 was Rs. 6445/- which is not possible under any circumstances as his average monthly billing can be very well ascertained from the last five months bills that are attached. He has visited complaint department a couple of times but have not got any concrete response. He was always told that, his file has gone for reading and would come back in a week's time.
3. He was told that, one of his meter has been changed, for which, he had not received any intimation. Also the new meter reading which should start from '0' has not been shown to him or informed any time. He hopes that BEST understands the seriousness of this problem and would act upon it at the earliest.
4. Although, BEST explains why the old meter was replaced in their building, the fact still remains that only their meter was changed unilaterally by the BEST and meter reading was not shown to them. There is no evidence that the meter reading was accurate and started from the base reading.
5. There is also no explanation from BEST's side as to why only their meter has been replaced in the building, under the old meters replacement programme.
6. The department has given them a credit of Rs. 1357/-, giving them the difference in the slab rate which is not acceptable to them. Because even after giving them the credit they are supposed to pay Rs. 5088/- which is not possible under any circumstances.
7. It is also important to note here, that they had initially held on to making further payments to the BEST, in lieu of the inflated bill, but later relented and have made all other payments to them till date, other than the payment for the disputed bill.
8. However, during one of his visits to the department, he was suggested by one of the engineer to try for O/T testing of the meter, hence he paid the required amount and took a receipt for the same.

9. He requests the Forum to help them by resolving the issue.
10. As he was not satisfied with the accucheck test result of the disputed meter he has not signed the test report of the same.
11. He has witnessed the official testing of the disputed meter on 26/6/2008 and he is satisfied with the result of the same.
12. He was regularly paying the electricity bills till April 2007.
13. He is not satisfied with the consumption recorded on the disputed meter from May 2007 onwards. In his premises there is one A.C, Geser & all CLF Lamps. Most of the time of the day i.e. approximately 6 to 8 hrs nobody is available at their residence.

BEST in its written statement and during Hearing stated the following:

- 1.0 Shri Rajendra VasANJI Popat is our registered consumer staying at the above address and using electric supply through meter no. B405826 and meter no. D021082 for residential purpose against account no. 651-261-029.
- 2.0 Initially, consumer Shri R. V. Popat has made complaint on 18/6/2007 for high bill of Rs. 6445/- for the month May 2007 for consumption of 1012 units against meter no. B045826 and 36 units against meter no. D021082, for the period of 11/4/2007 to 10/5/2007. Therefore, this meter no. B045826 was tested on accucheck on 12/12/2007 when the meter was found working within permission limits. The representative of consumer Shri. Jatin Popat was present at the time of meter testing at the site. However, he requests to sign the test report on the ground that reading parameters are of no concern for him.
- 3.0 The consumer has alleged that, his old meter no. 4078786 was replaced by the consumer department without prior intimation and initial meter reading of the replaced meter no. B045826 was not shown to him. The old meter was pointer meter, so it was replaced by new meter on 4/4/2007 as a part of old meter replacement programme. The initial reading on the replaced meter was 9 units, which was subsequently informed to the consumer vide our letter dt. 28/4/2008.
- 4.0 Meanwhile, the consumer approached vide Annexure-C on 3/4/2008. The complaint was examined and replies dt. 28/4/2008 was sent to Shri. Rajendra V. Popat.
- 5.0 The parawise comments on the points raised by the Consumer in schedule-A are as follows:
 - 5.1 The pointer type meters are very old and are in service since long time, hence, these meters are being replaced by new meters.
 - 5.2 Regarding high units 1012 appeared in the bill of May 2007, it is to be stated that the old meter no. 4078786 was replaced by new meter no. B045826. Initially electricity bill for 150 units was sent to the consumer. Thereafter, on

the basis of final reading recorded by old meter no. 4078786, the bill for 471 units less 150 earlier units and consumption for the month of April 2007 i.e. 691 units, the bill for total 1012 (i.e. 471 – 150 + 671) units was prepared to the month of May 2007. Subsequently, slab benefit of Rs. 1357 was given to the consumer in the bill of April 2008.

- 5.3 The statement made by consumer regarding the payment of bill regularly is not correct. Consumer is using the electric supply regularly and has made bill payment on 3 occasions only i.e. on October 2007 and March, April 2008 during the period of May 2007 to May 2008.
- 5.4 As regard Official Testing of Meter No. B045826, the meter has been tested in laboratory and found working fast by 3.14%. O. T. Test Report has been handed over to him on 26/6/2008.
- 5.5 Due to fast meter excess units at 3.14% was calculated i.e. 28 units for the three months period of 8/2/2008 to 12/5/2008 and credit of Rs. 150/- will be given to him as per MERC Regulation 2005 (Electric Supply Code) Section 15.4.1 in the ensuing bill.
- 5.6 In view of the above, the Hon'ble forum is requested to direct the consumer to pay the correct bill amounting to Rs. 6554.39. Hon'ble Forum is requested to pass the order in favour of BEST Undertaking to recover the legitimate revenue of the Undertaking.
- 6.0 Information regarding replacement of the meter is given to the consumer only when the meter is stopped or burnt.
- 7.0 As the consumption pattern recorded on the disputed meter over the years it is observed that the consumption recorded on the meter is higher in the month of May.

At the end of the hearing

BEST was asked to produce data regarding actual units billed to the consumer one year before and one year after the disputed bill within 3 days.

Observations

1. After going through the consumption pattern report Forum comes to the conclusion that consumption for month of May is much higher than previous and past consumption.
2. As the final readings of the old meter and initial reading for the new meter are not shown to the consumer, it is possible that there may be some recording error in it.
3. Hence bill for May 2007 requires to be amended.
4. As the dispute started from the replacement of the Meter No B045826 and it is found 3.14% fast, it will be in order to give benefit for the entire period.

ORDER

1. BEST is directed to amend the bills for May 2007 of the consumer for Meter No. B045826 based on the average monthly consumption for the preceding 12 months from the date of its replacement.
2. BEST is directed to give relief @ 3.14% to the consumer for the units billed on disputed meter (Meter No. B045826) for the period from June 2007 upto the date of replacement of the disputed meter.
3. Copies be given to both the parties.

(Shri. M. P. Bhave)
Chairman

(Shri. S. P. Goswami)
Member

(Smt. Vanmala Manjure)
Member