

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

(Appointed by the Maharashtra Electricity Regulatory Commission
under Section 42(6) of the Electricity Act, 2003)

REPRESENTATION NO. 85 OF 2017

In the matter of billing

Naresh Bhatia..... Appellant

V/s.

Brihanmumbai Electricity Supply & Transport Undertaking Respondent
(BEST Undertaking)

For Appellant : Vishal Bhatia

For Respondent : 1. A.V. Naik, Divisional Engineer C.C.E.
2. S. S. Neglur, Superintendent
3. P. V. Sutar, A.A.M.

Coram: Mr. R. D. Sankhe

Date of Order: 20th September, 2017

ORDER

This Representation is filed on 9th August, 2017 under Regulation 17.2 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (*CGRF Regulations*) against the order dated 14th June, 2017 passed by the Consumer Grievance Redressal Forum, BEST Undertaking (*the Forum*).

2. The Forum, in its order dated 14th June, 2017 has observed that the Forum does not find grievance in the submission of the complainant that the meter was jumping and thereby showing high and excessive reading. The Forum, however, directed the Respondent, BEST Undertaking to recover outstanding bill amount in 12 equal monthly instalments and not to levy Interest and Delayed Payment Charges (DPC).



3. Not satisfied with the order of the Forum, the Appellant – consumer has filed this representation stating that the Appellant was paying electricity bills regularly. The average consumption was around 1200 units per month. The Appellant, however, received bill for 2041 units amounting to Rs. 33,940/- for the month of September 2015. The Appellant immediately filed complaint with the Respondent on 9th October, 2015. The Appellant also made adhoc payment of Rs. 17000/-. In the month of October 2015, the Appellant again received bill for 2894 units and paid the adhoc amount of Rs. 17,200/-. The Appellant received similar bills of excess units in the month of November 2015, December 2015 and January 2016 against which the Appellant made adhoc payment. The Appellant made various complaints to the Respondent from time to time. The Respondent, however, changed the meter only on 4th February, 2016. After replacement of meter, normal consumption was recorded and the Appellant has no complaint about the same. The Appellant has stated that after the complaint was made in October 2015, meter was inspected at the site on 3rd November, 2015 but the Appellant – consumer was not called at the time of inspection. The meter was tested on 31st August, 2016 in the laboratory of Respondent and was found working properly. The Appellant requested the Respondent to test the meter at the laboratory of the third party. The meter was accordingly tested at the Institute for Design of Electrical Measuring Instruments (IDEMI) on 16th March, 2017. The IDEMI has reported that the meter is in working condition. The Appellant has however stated that there was no change in the consumption pattern of the Appellant during the disputed period from September 2015 to January 2016. When the meter was replaced in February 2016, the consumption again went down and it was normal. This clearly shows that there was problem with the meter during the disputed period. The Appellant, therefore, submitted that the Appellant is not liable to pay the excess amount as charged by the Respondent.

4. The Respondent BEST Undertaking has filed reply by letter dated 5th September, 2017. The Respondent has stated that the Appellant filed complaint on 9th October, 2015 about high bill for the month of September 2015. Pursuant to the complaint, the meter was tested at site on 3rd November, 2015 and was found working properly. Since the consumer was not satisfied, the meter of the Appellant consumer was replaced on 4th February, 2016. The meter was tested on 31st August, 2016 at the laboratory of the BEST and was found normal. Necessary slab benefit and credit of Rs. 2,087.30 was also given to the Appellant consumer in the bill for the month of June 2016. After receipt of the grievance from the



Appellant consumer, the Delayed Payment Charges (DPC) and interest amounting to Rs. 21,510.51 was also waived. The Appellant consumer requested for testing of the meter at third party laboratory and the meter was accordingly tested on 16th March, 2017 at the laboratory of IDEMI. The IDEMI has reported that the meter was found working properly. The Forum has directed not to charge interest and DPC and to allow the Appellant consumer to pay the outstanding bills in 12 equal monthly instalments. The Appellant consumer has, however not paid the dues as per the said order of the Forum.

5. During the hearing, the Appellant argued that the Appellant is running a Cake Shop with two employees. The connected load in the cake shop is Cake Display Counter with one 8 tons fridge, one another fridge, one Air Conditioning (AC), 12 compact florescent lamp (CFL) and one P.C. The cake cooling fridge normally operated at 3°C to 4°C during shop time. The stock of cakes at the night are put in fridge. Consumption pattern of the Appellant since the beginning remained the same and average units recorded is around 1100 to 1200 per month. There was no change in the activity and therefore, there was no reason for the increase in the consumption from September 2015 to January 2016. The Appellant also pointed out that the electric meter was of EMCO make which had quality issues. When the meter was tested at the site, the Appellant consumer was not informed. After replacement of meter in February 2016, the consumption has again gone down and consumption is almost below 1000 units per month with the same load. The Appellant is however made liable to pay excess amount for no fault on his part. The meter is the property of the Respondent and the meter has shown irregular and excess reading for about 5 months. The Appellant is very regular in payments and has even made adhoc payments for the disputed period. The Respondent BEST Undertaking therefore, be directed to bill the Appellant for the disputed period after considering average consumption prior to September 2015 or from April 2016, which is after replacement of new meter.

6. The Respondent BEST Undertaking, on the other hand pointed out that after receipt of the complaint from the Appellant consumer, the meter was tested immediately at site and was found in order. The Appellant, however, again made complaints about the high billing and therefore, the meter was replaced on 4th February 2016. As per the request of the Appellant consumer, the meter was tested in the laboratory of the Respondent as well as at the IDEMI laboratory which is under the Government of India and the test results was found in order. There is, therefore, no reason to revise the bills of the Appellant consumer for the period from



September 2015 to January 2016. DPC and interest has been already waived and Forum has directed to allow the Appellant consumer to pay the arrears in 12 equal monthly instalments. No further relief therefore needs to be granted.

7. Heard the parties.

8. The consumption pattern of the Appellant shows that average monthly consumption was 1160 units during the period From September 2014 to August 2015. The consumption pattern after replacement of meter is also recorded at 934 units per month for the period from April 2016 to March 2017. The statistics of consumption of the said period is tabulated as below:-

Old Meter No N 127259		New Meter No N 152123	
Sept--14	1123	April--16	958
Oct--14	1121	May--16	1154
Nov--14	1118	June--16	1021
Dec--14	1116	July--16	956
Jan--15	1109	Aug--16	1035
Feb--15	1126	Sept--16	863
March--15	1112	Oct--16	899
April--15	1171	Nov--16	866
May--15	1387	Dec--16	901
June--15	1238	Jan--17	879
July--15	1170	Feb--17	745
Aug--15	1134	March--17	933
Total	13925	Total	11210
Monthly Average	1160.4 units	Monthly Average	934.2 units

However, the consumption recorded during the disputed period from September 2015 to January 2016 is almost double or triple. The consumption recorded during the said period is as shown below: -

Old Meter No N 127259			
Sept--15	7223		
Oct--15		12158	4935
Nov--15	12158	15182	3024
Dec--15	15182	17724	2542
Jan--16	17724	20364	2640
Feb--16	20364 (on 12.01.16)	22276 (04.02.16)	3182
March--16	10 (04.02.16)	1280 (04.03.16)	
Old Meter No N 127259 was replaced by New Meter No N 152123 on 04.02.16			



9. Query was raised to the Respondent BEST Undertaking to explain the probable reason for increase in the consumption between the period from September 2015 to January 2016. The Respondent only stated that the meter of the Appellant consumer was tested in the laboratory of BEST as well as at IDEMI and the meter is found working in order and therefore, the Appellant is liable to pay for the consumption. When the Appellant received bill for the month of September 2015 with excess units, the Appellant immediately made complaint on 9th October, 2015 to the BEST Undertaking. The licensee BEST Undertaking however did not replace the meter immediately and took almost six months to replace the meter, admittedly, on the ground that meters were not available for immediate replacement. If the Respondent BEST Undertaking had immediately changed the meter after the complaints from the consumer, the disputed period of six months could have been reduced. The Appellant has also pointed out that the meter was tested on 31st August, 2016 in the laboratory of the BEST Undertaking and on 16th March, 2017 at IDEMI. Thus, there was also delay on the part of the Respondent in testing the meter.

10. During the course of hearing, parties were asked as to whether they are willing to settle the dispute. The Appellant suggested that the Appellant consumer has been agitating the grievance since October 2015 and after some deliberations shown willingness to pay at 1365 units per month which was highest consumption recorded in the month of May 2014 on the undisputed meter (No. M. 093669). The Appellant consumer has accordingly given in writing on 12th September, 2017. The Respondent BEST Undertaking stated that since the meter was tested proper, it would be proper on the part of the Appellant consumer to pay the bills as raised.

11. It is not in dispute that, during the period from September 2015 to January 2016, the meter has recorded abnormal units. It, therefore, cannot be denied that the meter has not recorded erratic reading. There is no basis for the excess consumption which was not in tune with the factual position. The connected load on the basis of equipments, gadgets or devices also prima facie show that the meter malfunctioned during the disputed period. In the peculiar facts of this case, it would be, therefore, appropriate to consider the offer made by the Appellant consumer to charge 1365 units per month for the disputed period. The Appellant has agreed that once the revised bill is issued accordingly, the Appellant will make the payment.



12. In the result, this representation is partly allowed. The Respondent BEST Undertaking is directed to charge the Appellant consumer at 1365 units per month for the disputed period from September 2015 to January 2016 and to revise the bills accordingly within a period of one month from the date of receipt of this order. The Forum has already directed not to charge DPC and the interest. The Appellant is also directed to pay the entire arrears thereafter within one month.

13. Compliance to be reported by the Respondent BEST Undertaking within two months from the date of receipt of this order.

14. Amount of Rs. 25000/- deposited be refunded to the Appellant.

Sd/
(R. D Sankhe)
Electricity Ombudsman (M)

