

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 158 OF 2019

In the matter of high billing

Dharmendra K. Bhatia Appellant

V/s.

Brihanmumbai Electric Supply & Transport Undertaking (BEST Undertaking)... Respondent

Appearances

For Appellant : 1. Dharmendra Bhatia
2. Ajay Singh

For Respondent : 1. N.V. Bhandari, Divisional Engineer, Customer Care (A)
2. P.W. Sawant, Superintendent,
3. M. A. Bhosale, Supervisor

Coram: Deepak Lad

Date of Order: 7th October 2019

ORDER

This Representation is filed on 23rd August 2019 under Regulation 17.2 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (CGRF Regulations) against the Order dated 17th June 2019 passed by the Consumer Grievance Redressal Forum, BEST Undertaking (the Forum).

2. The Forum, by its order dated 17th June 2019 has dismissed the grievance application in Complaint No. S-A-377-2019.

3. Not satisfied with the order of the Forum, the Appellant filed this representation as below:

- (i) The Appellant is a 3-phase residential consumer (No. 220-358-095) of the Respondent at J-141, 14th floor, Plot – 85, Maker Tower, G.D. Somani Marg, Cuffe Parade, Mumbai.
- (ii) The Appellant received high bill in the month of May and June 2018 of Rs. 26587/- and Rs. 25767/- for 2249 units and 2191units respectively.
- (iii) The Appellant made complaint of high billing to the Respondent on 28.06.2018 and requested adhoc payment of Rs. 10000/-. However, the request of adhoc payment was not accepted.
- (iv) The meter of the Appellant was tested on site on 29.06.2018 however, the Appellant did not agree with the test result. The meter was then replaced by the Respondent on 23.08.2018.
- (v) The Meter department of the Respondent intimated the Appellant by its letter dated 08.10.2018 / 11.10.2018 to be present as a witness for the meter testing on 29.10.2018. The Appellant, by his email dated 27.11.2018 stated that the testing of his meter No. N107301 was scheduled on 29.10.2018 but he was not able to attend the testing as he was out of town. Therefore, the Appellant requested to arrange the testing of the said meter once again in his presence as early as possible.
- (vi) The Meter department of the Respondent by its email dated 28.11.2018 replied that the meter under test was tested in the Laboratory on 05.11.2018 ex-parte, being no communication from the Appellant. The Respondent denied testing the meter in front of the Appellant hence no opportunity was given.
- (vii) The Appellant filed grievance in Internal Grievance Redressal Cell (IGRC) on 28.12.2018 and IGRC replied to the Appellant vide letter dated 30.01.2019 stating facts and informed the Appellant about slab benefit of Rs. 3241.64 given from December 2017 to June 2018 which is credited in the bill of January 2019.
- (viii) Aggrieved by the order of the IGRC, the Appellant then approached the Forum on 28.03.2019. The Forum dismissed the complaint on 17.06.2019 hence giving rise to this representation before the Electricity Ombudsman (Mumbai).
- (ix) The Appellant prayed that the high bills be revised as per previous average consumption.

4. The Respondent BEST Undertaking by its letter dated 13.09.2019 states as under: -

- (i) The Appellant has filed representation on 23.08.2019 before the Electricity Ombudsman against the order of the Forum dated 17.06.2019. As per Regulation 17.2 and 17.3 of the CGRF Regulations, the representation is not filed within 60 days hence it deserves to be dismissed.
- (ii) On receipt of high bill complaint on 28.06.2018, the Respondent visited the premises on 29.06.2018 and meter No.N107301 was tested in presence of the Appellant and found that meter was in order, however Appellant was not satisfied with the test result.
- (iii) Hence, the meter N107301 was replaced by new meter M182371 on 23.08.2018 under 'Official Testing' and old meter was sent to the Respondent's Meter Testing Laboratory Wadala for testing purpose. Appellant was intimated to be present at the time of meter testing by letter dated 08.10.2018. In the letter it is already mentioned that,

“In case you are unable to come personally or depute a representative on the date and time mentioned, you are requested to convey a suitable time and date (on any working day between Monday to Friday) by sending an e-mail on demr@bestundertaking.com. An e-mail confirmation will be sent to you so that you can come and witness the meter testing. In case you fail to keep the appointment on the date and time mutually agreed after e-mail confirmation, the testing will be carried out ex-party in the presence of neutral witnesses.”

But the Appellant did not turn up. Later, the meter was tested in the laboratory on 05.11.2018 and was found correct in accuracy and dial test, only 'Real Time Clock' was found defective. The copy of Test Report of Meter No. N107301 was sent to the Appellant.

- (iv) The Appellant has sent an e-mail on 27.11.2018 stating that he could not attend the testing of meter scheduled on 29.10.2018 and requested to arrange the testing of meter in his presence. The Respondent replied by e-mail on 28.11.2018 and

informed the Appellant that the meter was already tested on 05.11.2018 ex-parte being no communication from the Appellant. The meter was subsequently scrapped on 03.01.2019.

- (v) On scrutiny of consumption history of the Appellant, it is noticed that there is sharp variation in unit consumption during December 2017 to June 2018. Hence, matter is treated under slab benefit case and corresponding benefit is given.
- (vi) The Appellant filed grievance in Internal Grievance Redressal Cell (IGRC) on 28.12.2018 and IGRC replied to the Appellant vide letter dated 30.01.2019 stating facts and informed the Appellant about Slab benefit of Rs.3241.64 given from December 2017 to June 2018 which is credited in the bill of January 2019. The Appellant then approached the Forum on 05.04.2019.
- (vii) The Forum, by its order dated 17.06.2019 has dismissed the grievance by observing that the consumption pattern recorded for last four years was always on higher side and therefore it cannot be said that the consumption recorded in the month of May and June 2018 is high. There is no merit in the Appellant's grievance of high bill. Meter No.N107301 was tested twice, on first instant at site and then in Meter Testing Laboratory. The meter was found in order during testing on both occasions. The consumption recorded by new meter No. M182371 is found in line with that of old meter No. N107301 during the corresponding period. It appears that the Appellant was most irregular in paying electricity charges and therefore the amount had accumulated by adding delayed payment charges and interest. Thus, the complaint deserves to be dismissed.
- (viii) In view of above, the Respondent prayed that the representation of the Appellant be rejected.

Analysis and Ruling

5. During the hearing on 26.09.2019, the Appellant prayed for condoning the delay in filing the representation as he was out of town which is approved. Both the parties argued in line with their written submissions.

6. The Appellant argued that the consumption recorded for the month of May and June 2018 is on higher side. The Respondent scheduled the testing of the meter on 29.10.2018 at its laboratory which could not be attended as the Appellant is out of town. The meter was in fact tested on 05.11.2018 ex-parte. The Respondent could have well informed the Appellant about this date which might have suited the Appellant for witnessing the test. The Appellant further requested that considerable reduction in recorded consumption of May and June 2018 is expected.

7. The Respondent argued that the meter was first tested on 29.06.2018 on site in the presence of the Appellant. The meter was found in order however, since the Appellant was not satisfied with it, the next date of testing at the laboratory of the Respondent was scheduled on 29.10.2018 with due intimation on 08.10.2018 to the Appellant for being present. The Appellant was neither present nor deputed his representative to witness the test on 29.10.2018 and since the works related to testing of other meters were lined up on that day as a matter of routine work, the meter was further tested on 05.11.2018 as there was no communication from the Appellant. It is important to note that the Appellant first time conveyed on 27.11.2018 about his inability to witness the testing on 29.10.2018 i.e. almost after one month. The meter was subsequently scrapped on 03.01.2019. It is worth noting that during both the testing, the meter was found in order and hence there is no issue of the meter accuracy. The past record also shows that the Appellant has reached the level of consumption under dispute. The Appellant is irregular in payment. There is no merit in the grievance and requested to reject the representation.

8. I perused the documents on record. After the meter is replaced, the Appellant has consumed 2046 units in the June 2019. It is also noted that the Appellant has consumed as low as 443 units in March 2018, and 773 units in August 2018 (before replacement). Therefore, there is no specific pattern of consumption over a period of time. Assuming without admitting that the meter is fast, then consumption of 443 units in March 2018 and 773 units in August 2018 would also be excessive on which the Appellant has raised no issue. Even after

replacement of the meter on 23.08.2018, the Appellant has consumed 2046 units in the month of June 2019 which is in line with the consumption in disputed months.


9. In view of the above discussions, I do not find anything wrong with the meter. Therefore, the bill issued for the month of May and June 2018 cannot be said to be wrong. Further, the issue raised by the Appellant about his witnessing the testing of the meter does not hold any merit as he was given due opportunity to be present on 29.10.2018, the scheduled date.

10. I, therefore, do not find it necessary to interfere with the order of the Forum. The representation, therefore disposed of accordingly. I also concur with the finding of the Forum as to why the Respondent has been given slab benefit to the Appellant.

11. No order as to cost.

12. The secretariat of this office is directed to refund the amount of Rs.25000/- deposited by the Appellant immediately.

Sd/
(Deepak Lad)
Electricity Ombudsman (Mumbai)


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

