



## BEFORE THE OMBUDSMAN

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

606, 'Keshava', Bandra Kurla Complex, Bandra (East ), Mumbai 400 051.  
Tel. / Telefax. 022-2659 2965

### **REPRESENTATION NO.4 OF 2005**

#### **In the matter of dispute of electricity bills raised by The B.E.S. & T. Undertaking.**

Shri Nandkumar T. Jain  
3<sup>rd</sup> floor, Room No. 2,  
Meera Bhawan-98/104, Cavel Street,  
D.A. Lane, Mumbai-400 004.....

Appellant

Versus

The B.E.S.T. Undertaking  
Divisional Engineer Maintenance (S),  
O&M (South) Department, Colaba,  
Offshore, Mumbai-400 039.....

Respondent

Present:

1. Shri W. G. Gorde, Ombudsman
2. Shri S. N. Yadwad, Secretary

On behalf of the Appellant:

3. Shri Nandkumar T. Jain
4. Smt. Y.Y. Naik

On behalf of the Respondent:

5. Shri K.N. Rajgopal, Superintendent Consumer South
6. Shri S.M. Deshmukh, Assistant Engineer Consumer South
7. Shri S.R. Patil, Charge Engineer Consumer South

**Date: 11<sup>th</sup> May, 2005**

Shri Nandkumar T. Jain (hereafter called as Appellant) has a goldsmith shop situated on the 3<sup>rd</sup> floor, Room no.2, Mira Bhavan, Cavel Street, Mumbai. He is a Low-Tension Commercial consumer having connected load of 0.14 kilowatt. The Appellant has submitted the representation in this office on 4<sup>th</sup> March, 2005. The representation arises out of the order issued by the Consumer Grievance Redressal

Forum of B.E.S.T. Undertaking regarding his complaint filed with the Forum. The Appellant stated his case as under:

2. The Appellant had a connected load 0.14 kilowatt and used to receive a bill for consumption of approximately 250 units on bimonthly basis for past several years. The B.E.S.&T. Undertaking, the Respondent, during the process of billing for the months of August 2003 – October 2003, noticed on 8<sup>th</sup> October, 2003, abnormal reading of the meter and decided to investigate the matter. Due to abnormal reading, bill for zero unit was issued for August – October 2003. It sent its representative to the Appellant's premises on 30.10.2003 and checked up the connected load and the meter. The Respondent carried out the test called 'One Lamp Test' (O.L.T.) on the meter and obtained the signature of the Appellant on the report. The Respondent says that the meter was found to work correctly. The Respondent issued the bill for 3398 units for four months from 8<sup>th</sup> August 2003 to 8<sup>th</sup> December 2003 on the basis of meter reading as on 8<sup>th</sup> December, 2003.
3. The Appellant, therefore, wrote a letter on 2<sup>nd</sup> January, 2004 to the Respondent informing of the excess meter readings and requested to change the meter and check other faults to ascertain correct readings in the laboratory. The Respondent did not inform of any action to the Appellant.
4. By a letter dated 26<sup>th</sup> March, 2003, the Respondent informed the Appellant that his meter was found burnt on 13 January, 2004 and was accordingly replaced and therefore, the old burnt meter cannot be tested in the laboratory. The Appellant says that he was not aware of the burnt meter nor he was told so.
5. The Appellant, by his letter dated 6<sup>th</sup> May, 2004 complained to the Respondent about the high and incorrect consumption shown in the December bill. The Appellant also informed that he had installed a water pump since the last 8 months due to low water pressure and insufficient supply. The Appellant deposited Rs. 10,000/- with the Respondent and requested to correct the disputed bills.
6. He also questioned the contents of the Respondents' letter of 10 September, 2004 which informed him that his meter got burnt within six working days of the letter from the consumer, dated 2<sup>nd</sup> January, 2004. He claims that the Inspector from the Respondent visited his premises and noted that there were no high consumption appliances and still the meter was showing high readings and therefore, the meter would need replacement. It further mentions that average consumption for 2 months over a period of past two years was 267 units and had never crossed 325 units, while the disputed bill shows the consumption of 3398 units for 4 months which is not probable.
7. The Appellant states that he received no satisfactory reply from the Respondent, and therefore approached the Consumer Grievance Redressal Forum in August, 2004 requesting for relief in the matter. The Forum heard the matter and passed an Order on 4<sup>th</sup> January, 2005 rejecting the request of the Appellant. The Appellant was directed to pay arrears of Rs. 16002.68 to the Respondent and waived the D.P. charges levied on this account. The Appellant has stated that the Forum has not properly appreciated his complaint and the documents showing that there was a fault in the old meter and the consumption recorded was very high as compared to the readings of the last six months.

8. The Appellant not satisfied with the order of the Forum submitted the present representation and sought the following relief:
  1. That the Forum's order dated 4<sup>th</sup> January, 2005 should be set aside.
  2. That the Respondent should be directed to charge average amount of disputed bills for the year 2003.
  3. The Appellant claimed compensation of Rs. 15,000/- towards the monetary loss.
9. The Respondent filed its written statement on 22<sup>nd</sup> March, 2005 and states that the Appellant has added one water pump in the premises and therefore the meter has recorded higher consumption. It further says that it has checked the meter on 30<sup>th</sup> October, 2003 at site by One Lamp Test in the presence of the Appellant and found the meter correct. The Respondent did not dispute that average consumption prior to August, 2003, was approximately 250 units for 2 months. The Respondent also agrees with the details of connected load in the premises of the Appellant. The Respondent claims that the O.L.T. was conducted in the presence of the Appellant showing the meter working correctly. On 13<sup>th</sup> January, 2004, representative of the Respondent visited the premises of the Appellant on the basis of fuseoff message No. 2588 received by them on 13<sup>th</sup> January, 2004, at 13.38 hours and noticed that the meter was burnt. It was replaced on the same day by a new meter. The Respondent took away the old meter and obtained the signature of the Appellant. The Respondent agrees that there was a delay of over two months in informing the consumer that the old burnt meter cannot be tested in the laboratory. The Respondent denies that the bills ought to be worked out on the basis of old average in view of the fact that the Appellant has added one unauthorized water pump in his premises and therefore it is bound to record higher consumption.
10. The Appellant filed the rejoinder on 15<sup>th</sup> April, 2004, on the written statement of the Respondent. He denied that any fuseoff call was made by him. He also denied that the meter was burnt. He also disputed correctness of the One Lamp Test. The Respondent also filed its rejoinder on 28<sup>th</sup> April, 2004, reiterating its submissions in the written statement. By the letter dated 2<sup>nd</sup> May, 2005, the Respondent furnished additional information on One Lamp Test and meter readings up to date. The rejoinders and submissions were taken on record.
11. The matter was heard on 2<sup>nd</sup> May, 2005. Respondent explained that the O.L.T. is carried out at site in accordance with the long standing practice in B.E.S.T. by which majority of complaints are sorted out without any dispute. During the hearing, it was agreed by the Respondent that O.L.T. is not regarded as an approved test method as per Indian Electricity Rules, 1956 or any Regulations but is merely the practice to test the meter on site. It is not a substitute for laboratory test. The Respondent also furnished a statement of meter readings up to date showing bimonthly consumption recorded as on 6<sup>th</sup> April, 2005. On querying to the Appellant about the capacity of the pump and size of the water tank used for filling the water, the Appellant was unable to give details during the hearing but promised to furnish the same shortly. The matter was adjourned.
12. By the letter dated 5<sup>th</sup> May, 2005, the Appellant submitted that there is no overhead tank in the premises and water is stored daily in the storage drum of 200

to 250 litres capacity and the water pump runs for approximately 10 to 15 minutes. The Appellant has further stated that he had installed one water pump of ½ H.P. capacity since last 2-3 years and the said pump was replaced by 1 H.P. pump in November, 2003.

13. The matter was again heard on 9<sup>th</sup> May, 2005, wherein the Appellant and the Respondent were allowed to make further submissions. The main issue in the representation relates to the alleged defective meter, which recorded abnormally high readings during the period between 8<sup>th</sup> August, 2003 and 8<sup>th</sup> December, 2003. It is admitted by both the parties that the Appellant has a connected load of 8 tube lights, 1 exhaust fan, 2 ceiling fans and 1 T.V. prior to installation of the water pump. It is also admitted that average consumption prior to August 2003 was around 250 units on bimonthly basis. In fact, the average for past 12 months between August, 2002 to August, 2003 was approximately 211 units bimonthly. Similarly, bimonthly average from the year 1997 to 2003 shows consumption of around 305 units.
14. In view of written and oral submissions made by the Appellant and by the Respondent, following issues emerge for consideration.
  1. Whether the old meter at the Appellant's premises was defective when it recorded abnormal consumption of 3398 units between 8<sup>th</sup> August and 8<sup>th</sup> December, 2003 showing the average of 1699 units for two months billing period.
  2. Whether O.L.T. carried out on 30.10.2003 could be considered as reliable and reasonable for the purpose of testing correctness of the meter in the present case.
  3. What is likely to be an average consumption during the period of 8<sup>th</sup> August, 2003 and 8<sup>th</sup> December, 2003 in relation to the connected load at the premises.
15. Connected load at the premises of the Appellant includes 8 tube lights, 1 exhaust fan, 2 ceiling fans, 1 T.V. and 1 water pump. This is not disputed by either party. All equipments except the water pump were already in use for a long time and the average bimonthly consumption recorded was around 250 units. The only addition after the month of August, 2003 was one water pump of 1 H.P. capacity. The Appellant's submission on 5<sup>th</sup> May, 2005 says that he had installed one ½ H.P. pump since last 2 to 3 years, which was replaced by one, 1 H.P. pump in November, 2003. This was disclosed by the Appellant only on 5<sup>th</sup> May, 2005, in the submission and never before in the representation or elsewhere. The present pump is being used to draw water to fill a 200 – 250 litre capacity drum. The Appellant has stated that pump was being used for maximum of 1 hour per day. This statement was modified in the rejoinder to say that the pump is being used for about 15 minutes. In any case, even if the pump was run for an entire shift of 8 hours which is improbable in this case looking to the size of the drum, the consumption for two months, would not be more than 360 units. Added to this, consumption of 250 units for other appliances, total consumption for two months would be around 610 units. Readings recorded by the meter on 8<sup>th</sup> of December, 2003 shows the consumption of 3398 units for 4 months i.e. average 1699 units for two months. This shows that the meter was not working normal during that period and therefore needed to be put to a proper test.

16. The Respondent states that it checks the meter on site by O.L.T. and declares them as working or defective accordingly. This is done since all the meters cannot be tested in the laboratory. It is pertinent to note that O.L.T. is not an approved method of testing of meter as per the Indian Electricity Rules 1956 or any Regulations in force. It is only a practice followed by the Respondent. During the hearing, the Respondent could not explain as to whether the meter was tested with O.L.T. method for sufficient time and whether revolutions made by the disc of the meter were recorded for a long duration to ascertain the accuracy or otherwise of the meter. The test report on record does not indicate any details of the test so carried out and merely mentions at one place as meter okay. The Appellant stated during hearing that the Representative of the Respondent visited the premises on 30<sup>th</sup> October, 2003 on the ground floor where the meter is located and then came to his 3<sup>rd</sup> floor shop and asked to sign the Form. He is not aware of the O.L.T. or its correctness. There is no dispute between the Appellant and the Respondent on the connected load at the premises. No other load except the water pump was added after October – November, 2003. It was therefore necessary to ascertain reasons for highly abnormal readings recorded by the meter. High consumption of 3398 units in 4 months between 8<sup>th</sup> August 2003 and 8<sup>th</sup> December 2003 is not at all corroborated or explained by the O.L.T. It would at best indicate that the meter was working but in no way concludes the accuracy thereof. The O.L.T. in the present background, therefore cannot be treated as conclusive and reliable, to ascertain correctness of the meter.
17. In view of the above, the correct action in this case, would be to test the meter in the laboratory as per the approved method. This could not be done due to burnt meter. Current rating of the meter was 2.5/10 Amps. Total connected load of approximately 1.7 KW including the water pump, cannot be said to be excessive for this range of meter. As such, it cannot be concluded that excess connected load has caused burning of meter. This leads to the conclusion that the meter got in fact defective after August, 2003 and was running fast and finally got burnt on 13<sup>th</sup> January, 2004. In the present situation, connected load during the past period and between 8<sup>th</sup> August, 2003 and 13<sup>th</sup> January, 2004 was not the same due to addition of a water pump. Therefore, the average consumption prior to August 2003, would not reflect the consumption pattern during the disputed period upto 13<sup>th</sup> January, 2003. Therefore, the request of the Appellant to charge the bills for the disputed period on the basis of earlier average consumption cannot be accepted.
18. Now, for assessment of electricity consumption during the disputed period between 8<sup>th</sup> August, 2003 and 13<sup>th</sup> January, 2004, it is pertinent to note that connected load between August – December, 2003 and for the period thereafter upto now, remains the same. The Appellant also has admitted that after August, 2003 they work for longer hours now, but with the same connected load. Records produced by the Respondent for the period between 13<sup>th</sup> January, 2004 and 6<sup>th</sup> April, 2005 shows the consumption for about 15 months is 5836 units. This works out at an average of 790 units for every 2 months period. In the light of the written statements, submissions and the arguments during the hearing, following order is passed.

**ORDER**

- (1) The meter at the premises of the Appellant recorded abnormally high readings between 8<sup>th</sup> August, 2003 and 8<sup>th</sup> December, 2003 for over 2 billing cycles, showing consumption of 3398 units in 4 months. This is far in excess of the possible consumption for a connected load at the Appellant's premises. The Respondent could not test the meter in the laboratory. The O.L.T. carried out earlier lacks clarity and details of testing and is not an approved method to ascertain correctness of a meter. In view of the change in connected load prior to and after August, 2003, assessment of consumption between 8<sup>th</sup> August, 2003 and 13<sup>th</sup> January, 2004, on past average basis cannot be considered as reasonable and the Appellant's request in this behalf is rejected.
- (2) Since further, there is no change in connected load between 8<sup>th</sup> August, 2003 and 13<sup>th</sup> January, 2004 period and thereafter, consumption pattern remains almost the same. Therefore, an average consumption for approximately 15 months i.e. from 13<sup>th</sup> January, 2004 and 6<sup>th</sup> April, 2005, which is available, should be worked out and be applied for assessment of consumption units between 8<sup>th</sup> August, 2003 and 13<sup>th</sup> January, 2004.
- (3) Revised bills should be worked out on the above basis and advance / deposit paid by the Appellant should be adjusted. Excess, if recovered, should be refunded / adjusted, without interest.
- (4) Since no direct loss of business, etc is evident to the Appellant, the request for compensation claimed by the Appellant is rejected.
- (5) The Respondent is directed to take necessary action as above and report its compliance within two months from now.
- (6) Upon compliance of this order, the Appellant should approach the office of the Ombudsman separately for adjustment of the deposit paid by him.

Sd/

(W. G. Gorde)  
Ombudsman  
11/5/2005

Sd/-  
(S.N. Yadwad)  
Secretary