



## Exorbitant water bill: when to appeal?

The consumption recorded by the meter constitutes a simple presumption: if disputed, it is the supplier who must prove that the device was functional.

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Abnormal water consumption can inexplicably occur even in condominiums. This is what happened in the case faced by **the Court of Taranto** (sentence **no.385 of February 15, 2022**), which was called to decide on the judicial action of a condominium taken against the company providing the service due to a stratospheric billing. consumption.

The pronouncement is a great opportunity to understand **when to appeal against an exorbitant water bill**

### Abnormal water bill: the case

A condominium, holder of the contract for the supply of water for domestic use, summoned the company supplying the service to ascertain as illegitimate the **stratospheric amount** (of about 38 thousand euros!) Claimed as consideration for consumption for a single quarter. The condominium therefore concluded to hear the credit claimed by the company declared non-existent.

### The reasons for the appeal against the exorbitant water bill

In the case faced by the Court of Taranto, the condominium disputes the reconstruction of the **consumptions charged** to its users, the result of anomalous and unreliable **measurements of the general meter** subsequently replaced, whose malfunction, probably attributable to age and / or a mechanical failure of the appliance, it had determined the **abnormal supply of water** at the basis of the calculation of the fees, evidently irregular in light of the **average** actual "historical" consumption recorded by the individual meters of the individual condominiums.

### The defense of the company providing the water service

The company providing the service appeared in court contesting each charge, highlighting its correct action regarding the checks on the meter, which was perfectly functional, and the consequent determinations on billed consumption.

### The presumption of truthfulness of the consumptions resulting from the meter

The Court of Taranto, with sentence no. **385 of February 15, 2022** in comment, accepts the condominium's request.

First of all, the Apulian judge, placing himself in the wake of consolidated jurisprudence of legitimacy ( *ex multis* , Cass.19 / 6562; Cass.18 / 19154; Cass.16 / 23699), remembers how, in terms of administration, "*the survey of by means of a meter is assisted by a mere simple presumption of truthfulness so that, in the event of a dispute, the burden of proving that the meter was perfectly functioning, even if defendant in court with the action of negative assessment of the credit, weighs on the the user must demonstrate that he has adopted every possible precaution, that is, that the excess consumption is due to factors outside his control and that he could not have avoided with careful care of the system*".

However, in the face of the **specific dispute** of the condominium on the unreliability of the consumption of drinking water shown in the bill due to the alleged **malfunction of the measuring instrument**, the defendant company limited itself to opposing the results of the instrumental verification of the appliance, removed from the site for "doubtful functioning".



In the opinion of the Court, the metrological verification carried out *ex post*, and separately, by the supplier, far from being exhaustive and decisive for the purposes of the case, does not in itself exclude **the regular measurement of consumption**, on the other hand confirmed, specifically, by the concurrence of univocal certain and objective elements, which highlight how the recorded data are completely illogical and unreliable.

## The ctu on the water meter

The circumstantial framework, resulting from the outcome of the expert investigation, proves in the aforementioned sense. First of all, for the Apulian judge he notes the irreconcilability between the consumptions reported by the old general meter in the quarter under consideration (up to its replacement) and the volumes of water potentially dispensable by the appliance in that period of time, even in the most unfavorable operating conditions.

The ctu then excluded the existence of **external events**, such as water leaks, leaks or other inefficiencies of the water system serving the condominium.

The other important data is the incompatibility between the consumptions charged to the condominium in the "offending" period and the actual ones, much lower, recorded by the **sub-meters** serving the housing units.

In summary, the perspicuous elements acquired, in demonstrating that the water consumption recorded and accounted for in the invoice is **objectively exorbitant** (compared to the condominium average held in the other periods), undermine the reliability of the data deriving from the "final" reading of the removed meter.

In the absence of proof of the regular functioning of the meter (it is reliable that the instrument has suffered a **mechanical failure** in the step of the progressive numbering of the consumptions supplied, as claimed by the appellant of the plaintiff), the estimate calculation on which the incongruous is based invoice.

## Exorbitant water bill: the decision

The Court of Taranto, with sentence no. 385 of February 15, 2022 in question, therefore accepted the condominium's request, establishing the **reversal of the invoice**.

In fact, the acceptance of the appeal does not mean that the condominium does not have to pay anything in relation to the service used during the billing period.

The *quantum* due to the seller, for additional fees and charges, postulates the **reconstruction of presumed consumption** according to a calculation anchored to the "historical" flows recorded by users in the previous period, an estimate criterion developed in compliance with the customer's "normal requirement" principle from Article 1560 of the Italian Civil Code

Source: <https://www.condominioweb.com/bolletta-acqua-esorbitato-quando-fare-ricorso.19030>

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