

		Date	Month	Year
1	Date of Receipt	09	11	2023
2	Date of Registration	13	11	2023
3	Decided on	10	01	2024
4	Duration of proceeding	58 days		
5	Delay, if any.	—		

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. 22799528

Grievance No. B-489-2023 dtd. 13/11/2023

Smt. Bhamini M. Shah and
Shri Sharmil M. Shah

.....Complainant

V/S

B.E.S.&T. Undertaking

.....Respondent

Present

Chairman

Coram :

VACANT

Member

1. Smt. Anagha A. Acharekar, Independent Member
(Acting Chairman)
2. Smt. Manisha K. Daware, Technical Member

On behalf of the Respondent

- : 1. Shri R.J. Deshmukh
2. Shri Y.V. Kapadia

On behalf of the Complainant

- : 1. Smt. Bhamini Shah
2. Shri Manoj Shah

Date of Hearing

: 21/12/2023

Date of Order

: 10/01/2024

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Judgment

- 1.0 The complainant has grievance that the Respondent BEST Undertaking has demanded them to pay 30 years' old amount of Rs. 1,05,116.97 while process of change of name pertaining to the consumer a/c no. 394-259-011 having meter no. E026018 and G993656.
- 2.0 The case of the complainant may be stated as under :
- a) The complainants through their representative approached the Respondent for change of name from Hansaben H. Jariwala to Bhamini M. Shah joint with Sharmil M. Shah. The complainant has submitted that inspite of dully filled up change of name form with all relevant documents, staff of the Respondent refused to change the name saying that there is disputed amount in bill and returned the documents.
 - b) The representative of the complainants has submitted that the complainant is paying monthly electricity bill regularly. Due to change in tenancy, they would like to carry out change of name. The rent receipts were already transferred in their name after execution of tenancy agreement. The complainant and their representative vehemently objected that the Respondent is demanding 30 years' old amount which is time barred. They further submitted that the Respondent had observed that the electricity meters are not functioning properly and hence those were replaced. Accordingly the Respondent prepared amendment claim for three meters amounting to Rs. 1,15,197.56 (original claim) on average basis and not on actual monthly consumption.
 - c) The representative of the complainants stated that vide letter dtd. 21/02/1995 they had again informed the Respondent that the meter is defective but no action was taken by the Respondent at that time but the complainant received a letter dtd. 14/03/1996 confirming the replacement of defective meter.
 - d) The representative of the complainants submitted that the complainants had alleged and objected the average meter reading shown in amendment bills which are showing excessive average units through their various letters dtd. 20/12/1997, 23/02/1998, 19/06/1998, 13/10/1998 and 18/11/1998. He further mentioned that all amended electricity bills were not on base of actual monthly consumption but issued hypothetically and arbitrary for period of several months together.

- e) The complainants have also alleged that in last 30 years the Respondent had never raised any demand notice of payment towards disputed amount of amendment bills, so now this demand cannot sustain in any court of law.
 - f) Therefore the representative of the complainant has submitted that the Respondent may be directed to withdraw their aforesaid demand of Rs. 1,05,116.97 as mentioned by them and allow the change of name.
- 4.0 The Respondent / BEST Undertaking has appeared and filed their reply before this Forum in response to the aforesaid complaint / grievance application filed by the complainant. The Respondent has strongly opposed the aforesaid grievance of the complainant. The case of the Respondent may be stated as under :
- a) The Respondent has submitted that there were three old proclain for different period for three meters.
 - i) Old meter no.0711706 was replaced, for reason of stopped meter by new meter no.O483401 on 19.04.1995. The claim amount of Rs.23, 468.97 was worked out for period 03.02.1994 to 19.04.1995.
 - ii) Old meter no. G912908 was replaced, for reason of stopped meter by new meter no G842552 on 26.06.1995. The claim amount of Rs.25,540.19 was worked out for period 04.05 1994 to 26.06.1995.
 - iii) Above new meter no.G842552 was again replaced for the reason of not registering consumption, by new meter no.E472108 on 08.06.1998. The claim amount of Rs.66188.40 was workout for period 29.12.1995 to 08.06.1998.

The said fact of defective meter amendment was informed to the consumer vide letter dtd.03.09.1997, 19.12.1997, 06.04.1998, 09.06.1998, 28.08.1998, 19.03.1999.

- b) The representative of the Respondent further stated that as the consumer disputed the case on 07.07.1999, the case was send to Review Committee. On 09.05.2001 Committee preferred the revised total claim of three amendment of Rs.1,05,116.97 against the original claim of Rs.1,15,197.56 and same was intimated to the consumer on 21.05.2001. But the consumer did not pay the claim and again on May 2006 consumer had approached to Ward to review the claim. On 10.10.2006 consumer was directed to approached MERC cell and write a letter to Grievance Redressal Forum for deciding the case. The consumer neither approached the said authorities nor paid the balance amount of claim till date and said claims were regularly displayed on the back side of each Electricity bill. In the meanwhile Administrative Order no. 367

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dt.16.05.2012 was introduced to review the claim for 6 months preferred before the year 2006.

- c) Stating all these aforesaid circumstances, the Respondent has further submitted that recently Mrs. Bhamini Manoj Shah had approached the Customer Care B Ward for Change in Name on counter of Ward. At that time the Respondent's Amendment Section staff had given the information of revision of claim as per Administrative Order no.367 and intimated the approximate amount of revised claim as below and explained the procedure to review and Change in Name. The representative of the Respondent has submitted the revision of all three claims as per A.O.367 in detailed as follows.

Claim no.1) 111-023-146 in respect of Meter no.0711706 of Rs.23,468.97 is now revised and work out to Rs.10,100.87. As consumer had paid Rs.17,000.00 in two installments, revised claim amount to be paid is "Nil".

Claim no.2)111-023-147 in respect of Meter no. G912908 of Rs.25,540.19 is now revised and work out to Rs.12,035.63.

Claim no.3)111-034-613 in respect of Meter no.G842552 of Rs.66,188.40 revised and work out to Rs.14,062.33.

However, applicant didn't take bills of revised claim amount and left the office. Thereafter nobody approached to office for Change in Name for consumer no. 394-259-011. The representative of the Respondent mentioned that revised claim letters were forwarded through post. Hence, allegations of harassment and refusal made by the complainants are not true.

The revised claim as per A.O.367 of Rs.26,097.96 is not paid by the complainant.

- 5.0 We have heard the submissions of parties and noted their submissions as above. In view of the above submissions of the parties and case pleaded by them, the following points arise for determination, on which we record our findings as under, for the reasons to follow.



Sr. No.	Points for determination	Findings
1	Whether the demand made by the Respondent to the complainant to pay the aforesaid so called proclaim amount of Rs. 26,097.96 is legal ?	Affirmative
2	What order is required to be passed to disposed off this grievance application of the complainant ?	The complaint deserves to be dismissed as is being directed in operative order being passed below giving reasons.

6.0 We record reasons for aforesaid findings as under :

- a) We have noted the admitted facts herein earlier. There were three proclaim bills for three meters for three different periods for reason of stopped/defective meters.
 - i) The claim amount against old defective meter no. G912908 was worked out for period 03.02.1994 to 19.04.1995 amounting to Rs.23, 468.97
 - ii) The claim amount against old defective meter no. G912908 was worked out for period 04.05 1994 to 26.06.1995 amounting to Rs.25,540.19.
 - iii) The claim amount against meter no.G842552 was workout for period 29.12.1995 to 08.06.1998 amounting to Rs.66,188.40.
- b) It also appears from the records produced by the Respondent that the case was sent to Review Committee on 29/11/1999. On 09.05.2001 Committee preferred the revised total claim of three amendment of Rs.1,05,116.97 against the original claim of Rs.1,15,197.56 and same was intimated to the consumer on 21.05.2001. However, the consumer has paid only Rs. 17,000.00 against the initial claim amount Rs. 23,468.97 of old meter no. 0711706. The consumer did not pay the balance claim amount. In May 2006 the complainant again approached the Ward to review the claim. On 10.10.2006 the complainant was directed to approach MERC cell and Grievance Redressal Forum for deciding the case. The complainant neither approached MERC nor CGRF for resolving his grievance. The unpaid claims were regularly displayed on the back side of each Electricity bill.
- c) The Respondent has again revised the Review Committee revised claim as per the Administrative Order no. 367 dt.16.05.2012 which was introduced to review the claim for 6 months preferred before the year 2006.


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- d) The Forum has scrutinized the consumption pattern produced by the Respondent during the hearing. It clearly shows that the average units recorded / considered prior and after the replacement of defective meter while preparing amendment claim was correct. Hence the contention of the complainant that average units charged for preparing the claim amounts were on the higher side does not have merit.
- e) In view of above, the Forum is of the opinion that the allegation made by the complainant that he is not aware about the 30 years' old claim is not correct as the complainant was party of the hearing held by Review Committee of the Respondent since 1999. The Respondent had also made correspondence with the complainant in this regard. Also the unpaid claim amount is continuously reflecting on backside of his monthly electricity bills.
- f) Accordingly, we have answered point (1) & (2) and hence, we proceed to pass the following order :

ORDER

- 1.0 The grievance no. B-489-2023 dtd. 13/11/2023 is dismissed in terms of following.
- 2.0 The complainant is directed to pay the revised amount of Rs. 12,035.63 against original claim of Rs. 25,540.19 for claim no. 111-023-147 and Rs. 14,062.33 against original claim of Rs. 66,188.40 for claim no. 111-034-613. After making payment of these amounts, the complainant may approach for change of name to the Respondent.
- 3.0 Copies of this order be given to all the concerned parties.


(Smt. Manisha K. Daware)
Technical Member


(Smt. Anagha A. Acharekar)
Independent Member
(Acting Chairman)

(Vacant)
Chairman