

**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. 22853561

**Representation No. S-B-58-08 dt . 17/10/2008**

Mohd. Shoeb Abdullah Bukhari .....Complainant

V/S

B.E.S. & T. Undertaking .....Respondent

**Present**

Quorum 1. Shri. M.P. Bhave, Chairman  
2. Shri. S. P. Goswami, Member  
3. Smt. Vanmala Manjure, Member

On behalf of the Complainant 1. Shri. Mohd. S.A. Bukhari  
2. Shri. Khalid Khatri

On behalf of the Respondent 1. Shri. M.D.Sanap  
2. Shri. N.D.Mehata

Date of Hearing: 18/11/2008

**Judgment by Shri. M.P. Bhave, Chairman**

Shri. Mohd. Shoeb Abdullah Bukhari, Mutton Street, Mumbai – 400 003 has come before this Forum for his Grievance regarding amendment claim of Rs.74,873.66 and connection of meter.

### **Brief history of the case**

- 1.0 Shri. Mohd. Shoeb Abdullah Bukhari, was using electric supply to his dispensary through meter No.0122278 for lighting purpose & meter No.E798214 for heating purpose.
- 2.0 The meter No. 122278 was found burnt on 21/04/2000 and same was replaced by meter No. C007813. The consumption pattern of earlier meter and the replaced meter was similar so no amendment was initiated.
- 3.0 Meter No.E798214 had become defective from 22/06/1998. Since then no consumption was recorded. Same meter was found stopped and hence replaced by meter No.C020809 on 09/05/2002.
- 4.0 Claim of Rs.74,873.66 was sent to consumer considering average units per month as 257 for the period 04/07/1997 to 09/05/2002.
- 5.0 The complainant registered their grievances in Annexure 'C' format on 01/08/2006 and informed that he had used less electricity in the same period and to revise the claim as per Electricity Act 2003.
- 6.0 BEST in reply to Annexure 'C' on 08/11/2006, the proposal of claim will be forwarded to Chairman, Review sub Committee for their consideration and the decision of Chairman, Review sub Committee will be intimated in due course to complainant.
- 7.0 After receiving the file from The Chairman, Review Sub Committee, a proposal was again put up to management for approval & necessary action will be taken in the matter after approval, which was informed to the representative of the consumer at the time of inquiry made by him in the department.
- 8.0 Complainant's meter was removed on 04/09/2006 as building is under repair and he had applied for reconnection of meter vide requisition No.2081407 dtd. 05/12/2007.
- 9.0 Complainant's vide his letter dtd. 14/03/2008 again approached BEST for Redressal of his complaint in Annexure 'C' and mentioned that he is ready to pay Rs.10,000/- as adhoc payment and revised claim amount if exceeds Rs.10,000/-.
- 10.0 Unsatisfied by the action taken by BEST against their complaint in Annexure 'C' format and letter dtd. 14/03/2008, the complainant lodged their grievances with CGR Forum in Annexure 'A' format on 17/10/2008.

### **Consumer in his application and during Hearing stated the following**

1. The amount of Rs.74,873/- dated 9/1/2003 was shown unpaid on their electricity bill consumer No.851-127-017.

2. It was shown in a small letters in middle side of the bill and not included in the regular bill, therefore his attention was not gone there that it was outstanding claim amount. When it was came to his notice in July 2006 he enquired with the concerned department. They told him that it was a claim amount against his defective meter for the period from 4/7/1997 to 9/5/2002 (i.e. for approx. 5 years).
3. Since it was not brought to his notice earlier he was not aware about the said bill. When he came to know he lodged complaint in 'C' form to IGR Officer, Customer Care (South), B Ward vide his letter dated 1/8/2006 and Assistant Engineer B ward informed him that his claim was forwarded to The Chairman, Review Sub Committee for his consideration vide their letter no. SCS / OSCB / AMEND /CGRF /309 /64285 / 06 dtd.8/11/2006. However further he had not heard anything from them.
4. He was paying electricity bills regularly.
5. His building was under repair during year 2006-07.
6. His meter was removed on 4/9/2006 as building was under repair alongwith all other meters on service position.
7. He had applied for meter vide requisition no. 2081407 dtd. 5/12/2007, yet he had not been given meter.
8. After the repair of building all the meters were installed except complainant's meter. As per complainant building was completed in the year 2007.
9. He had therefore requested BEST vide his letter dtd. 14/3/2008 to accept his adhoc payment of Rs.10,000/- (Approximated amount of six months claim) against his claim and give a meter. He had also further mentioned that he is ready to pay revised claim amount if exceed to Rs.10,000/-.
10. However, he had neither been given meter, nor received any reply from the BEST Undertaking.
11. Consumer prayed to the Forum to instruct BEST Undertaking to give him meter immediately as he was in dark since Sept. 2006. He is ready to pay Rs.10,000 as adhoc payment against his claim and he is also ready to pay revised claim amount if exceeds Rs.10,000.
12. Consumer requested to revise claim for the period of six months as per MERC Regulations 2005 and Electricity Act 2003.

**BEST in its written statement and during Hearing stated the following:**

1. Shri. Mohd. Shoeb Abdullah Bukhari vide application dtd. 10/10/2008 has requested to CGRF to revise the amendment claim of Rs.74,873.66 for six months as per MERC Regulations 2005 and instruct the BEST Undertaking to give him meter immediately. He is

also ready to pay the Rs.10,000/- as an adhoc payment against the claim and also ready to pay the balance revised claim amount, if exceed Rs.10,000/-.

2. Shri. Mohd. Shoeb Abdullah Bukhari was using electric supply to dispensary through meter No.0122278 for lighting and meter No.E798214 for heating purpose. The meter No.0122278 was found burnt on 21/04/2000 and hence, same was replaced by meter No.C007813. The consumption pattern of earlier meter and the replaced meter was similar, as such, no amendment was initiated.
3. Meter No.E798214 was found stopped and hence, replaced by another meter No.C020809 on 09/05/2005. Earlier meter No.E798214 had become defective from 22/06/1998 and since then no consumption was recorded by this meter after June 1998. The bill was amended by considering average units per month as 257 for the period 04/07/1997 to 09/05/2002. Claim of Rs.74,873.66 was sent to the consumer. The details of the amendment claim are as under:-

Name of the consumer	: Shri. Mohd. Shoeb Abdullah Bukhari
Bill No.	: 851-127-017
Meter No.	: E798214(Old)/C020809(New)
Amendment period	: 04/07/1997 to 09/05/2002
Base period	: 27/02/1997 to 04/07/1997
Average	: 257 UPM
Claim Amount	: Rs.74,873.66
Claim preferred on	: 9 <sup>th</sup> January, 2003

4. During the hearing, BEST told that on 9<sup>th</sup> January, 2003 debit note was prepared. However, BEST informed complainant regarding the claim on 5<sup>th</sup> June 2004.
5. Party has disputed the claim and informed that he had used electricity less in this period and claim may be amended as per MERC regulations. AECB-Ward has amended the claim and put up for DCE(CS)'s approval. Audit has scrutinized the case and commented that to discuss this case in Review Committee. The case was put up to 'Review Sub Committee'. On the basis of Admn. Order 332 dated 12/06/2007, the claim was amended for six month from period 09/11/2001 to 09/05/2002, considering average units 129 per month. While scrutinizing Audit has pointed out that instead of 258 units per months, claim is amended with considering 129 units per month and advised to work out claim as per 258 UPM. Accordingly, revised claim of Rs.8831.36 was prepared on 10/10/2007 which is scrutinized by Audit Department.
6. Considering above, it is mentioned that this claim is very old and there is no definite consumption pattern available for this meter. Also, as

per MERC regulations and Admn. Order 332, maximum six months period can be considered for amendment of bill.

7. Proposal was put up to Management for approval to amend the claim of Rs.74,873.66 to Rs.8,831.36 & it is in progress. As soon as proposal for revise pro-claim amount is approved, necessary action will be taken immediately.
8. As the claim amount was remained unsettled it is shown as unpaid on the bill of Account no. 851-127-017.
9. Being the pro-claim amount it is not included in the regular bill and shown separately. If the pro-claim amount is included in the regular bill and remained unpaid, it attracts delayed payment charges.
10. The pro-claim amount is shown on the bill which is worked out on the basis of test report dated 08/01/2002, which is signed by the consumer.
11. BEST replied to the complainant regarding his grievances in Annexure 'C', dated 1/8/2006 vide letter No.SCS/ OSCB /AMEND /CGRF / 309 / 64285 /06 DTD. 8/11/2006.
12. BEST prayed to the Forum that The Hon'ble Forum is requested to give suitable order as deemed fit.

### Observations

1. Complainant's meter was removed as the building was under repair. BEST should have reconnected complainant's meter after the repair of building alongwith other meters of the same building. However, if BEST wanted to disconnect the complainant's meter, BEST could have served notice to the complainant.
2. For the above reason Forum has passed an interim order to BEST stating that, "pending the final order, BEST is directed to give the electric connection to the consumer on or before 21/11/2008 subject to site compliances are in order".
3. Customer Care (S) 'B' ward vide their letter Ref No. DECC(B)/SUPDT.CC(B)/345/08 dtd. 21/11/2008 have informed that the meter No.H082607 has been installed for the reconnection of electric supply to complainant Shri. Mohd. Shoeb Abdullah Bukhari on **20/11/2008** (Complying the interim Order).
4. The claim is very old and there is no definite consumption pattern available for this meter.
5. BEST has already calculated the revised claim of Rs.8,831.36.
6. Complainant is ready to pay as adhoc payment of Rs.10,000/- against his claim & he is also ready to pay revised claim amount if exceed Rs.10,000/-.

**ORDER**

1. Complainant is directed to pay the amended claim of Rs.8,831.36 within 30 days.
2. BEST is directed to regularize the reconnection on permanent basis, after receipt of amendment claim as above as full & final claim.
3. Copies be given to both the parties.

(Shri. M. P. Bhave)  
Chairman

(Shri. S. P. Goswami)  
Member

(Smt. Vanmala Manjure)  
Member