

Date of Hearing: 24/08/2009

Date of Order : 04/09/2009

Judgment by Shri. S.P.Goswami, Aq. Chairman

Shri. Aditya Prasad Mishra, Kamla Nagar, Dharavi, Mumbai-400 017, has come before forum for his grievances regarding outstanding bill of A/c no. 675-486-209*0.

Brief history of the case

- 1.0 Shri. Aditya Prasad Mishra, the complainant had approached respondent's Internal Grievances Redresal Cell, vide Annexure 'C' form dated 21/7/2008 for his grievance of outstanding amount debited in his account. According to him the outstanding amount does not pertain to him.
- 2.0 Vide letter dtd. 21/4/2009 respondent informed the complainant that OS amount debited in his account is in order hence same cannot be waived.
- 3.0 Unsatisfied by the reply of the respondent, complainant approached CGR Forum in schedule 'A' form on 28/5/2009.

Complainant by his written application and during Hearing stated the following

- 1.0 Complainant stated that he has grievance of the outstanding high bills.
- 2.0 He is resident of G.No/95/2660, Kamla Nagar, Jasmin Mill Road, Dharavi. Smt. Asha Mishra's balance electricity bill has been transferred on his name. He has no relationship with Smt. Asha Mishra. Respondent should have recovered the outstanding from the concerned person who has used the electricity. Respondent informed Smt. Asha Mishra had sold her hut 9 years ago. Why should a new owner pay the outstanding bill of the previous owner.
- 3.0 His surname & the previous owner's surname are the same. This does not mean that respondent should have transferred the outstanding bill of somebody else in his account. He is ready to pay the outstanding bill pertaining to him only. He is not ready to pay the outstanding bill pertaining to some other consumer.
- 4.0 He has requested Hon'ble Forum to check his name, family members name & room number. Before transferring dues respondent should have checked whether there is any relationship between him and Smt. Asha Mishra. He is ready to pay the current monthly bill but not the OS bill, D.P. Charges or extra bill.
- 5.0 During the hearing complainant stated that he has no relationship with Smt. Asha Mishra and Mr. Prashant Mishra.
- 6.0 During the hearing complainant stated that he came to know the OS amount in the month of September 2008. He received the bill amount of Rs.1,21,000/-. No explanation was given to him about the bill amount.

- 7.0 During the hearing complainant stated that he had purchased the premises i.e. Hut no. GNM/F-86-1/2, Kamla Nagar, Jasmine Mill Road, Dharavi, Bombay-400 017 in 1990 from Mr. Abdul Rahman Peershah and submitted the copy of the affidavit dtd. 9th August, 1990 as proof for the same.
- 8.0 During the hearing complainant has refused to accept that the signature on the letter received by respondent on 15/2/2007 belong to him.
- 9.0 During the hearing complainant has stated that the respondent has not produced any documentary evidence showing that he is a stepbrother of Shri. Prashant Mishra

**Respondent by his written statement and during
Hearing stated the following:**

1. Respondent states that Meter no.G 961941 of A/c No. 675-480-117 standing in the name of Shri. Prashant Mishra P.S. at Grd. Flr, Rm-F/86-1/2A, Kamla Nagar, J.M.Road, Dharavi, Mumbai-400 017 was removed on 11/5/1999 for non payment of Rs.93,945.15 of Electricity Bills. The same was inadvertently debited in the month of December 2003 into the A/c no. 675-481-207 M.No. G900744 standing in the name of Smt. Asha B. Mishra P.S. at Gr.FI GHMD-5, Kamla Nagar, Jasmin Mill Rd, Dharavi, Mumbai-400 017 being the same premises. The consumer had failed to pay the bill hence meter of the A/c No. 675-481-207 was removed on 6/4/2004.
2. The site investigations were carried out on 22/10/2007 & 26/10/2007.
3. At the time of first investigation dt. 22/10/2007, it was observed that the O/S premises of A/c No. 675-480-117 standing in the name of Prashant Mishra is occupied by Mr. Aditya Prasad Mishra.

4. At the time of second investigation dt. 26/10/2007 it was confirmed that the supply to the O.S. premises i.e. A/c No. 675-480-117 was given through new meter under A/c no. 675-486-209, standing in the name of Mr. Aditya Prasad Mishra who is stepbrother of Mr. Prashant Mishra. Hence the outstanding amount of Rs.93,945.15 is debited in the month of June 2008 into the A/c no. 675-486-209 standing in the name of Mr. Aditya Prasad Mishra.

5. Scrutinized the I.D. papers of installation No.881463 in the name of Prashant Mishra. From the documents it is noticed that meter was installed for the premises F-86-1/2-A. Further documents submitted by Aditya Prasad Mishra such as Maintenance Receipt, Photopass & Ration Card are for the premises F-86-1/2, which proves that O.S. premises & Aditya Mishra's premises is same.

6. Now, Aditya Prasad Mishra vide his letter dt. 21/7/2008 has disputed the debited amount stating that there is no relationship between Prashant Mishra & Aditya Mishra and he has produced Xerox copy of ration card for the same. Further, he has not submitted any documents from whom he had purchased the premises.

7. Being the premises same and Aditya Prasad Mishra being the stepbrother of Prashant Mishra, applicant's request to withdraw the O.S. amount from his account is not justified.

8. During the hearing respondent explained the sketches submitted with the written statement & reiterated that the OS premises & the complainant's premises are the same. Respondent further stated that initially the complainant has given the premises on rental basis which was having commercial tariff & later applied for residential tariff, which is confirmed by the complainant's request letter to the respondent dtd. 15/2/2007 for change in tariff to be charged to him.

9. During the hearing respondent brought to the notice the remarks put by the Colony Officer G/N stating that hut no. GNM F86 ½ of Shri. Abdul Rahman Peersah at Kamla Nagar, Jasmine Mill Road has

been transferred in the name of Shri. Aditya Prasad Mishra on 4/4/2006.

10. During the hearing respondent has stated that a notice to the complainant was given for transfer of OS amount to his account. However, the detailed break-up of the outstanding amount is not given. Respondent agreed to submit the same within 2 to 3 days & accordingly same was submitted by the respondent.

Observations

1. From the documents submitted by the Shri. Prashant Mishra & Shri. Aditya Mishra while getting the electricity connection it is concluded that the OS premises & the complainant's premises are one and the same.
2. The respondent has delayed to debit the OS amount in the complainant's account & not provided the break-up of the same to the complainant.
3. The investigation report of the respondent stating that the complainant and the previous consumer are stepbrothers, has no supporting documents.

4. Respondent did not make any attempt to find out the where about of the old consumer & failed to identify the outstanding premises to be the same while giving re-connection.

5. The complainant under the statement of having purchased the OS premises from Shri. Abdul Rahman Peersshah but failed to produce the registered sale deed or any other documents of valid evidence to convince to forum for the same except the photo copy of affidavit. He did not care to verify know whether any government dues or other bills are pending for payment.

6. The respondent had not recovered the arrears from 1996 onwards, inspite of having an opportunity of making recovery of the same while giving re-connection.

ORDER

1. Respondent is directed to recover only 6 months of unpaid charges of electricity supplied to the premises from the complainant.
2. Copies be given to both the parties.

(Shri. S. P.Goswami)
Ag. Chairman

(Smt. Varsha V. Raut)
Member