

		Date	Month	Year
1	Date of Receipt	18	07	2022
2	Date of Registration	19	07	2022
3	Decided on	05	09	2022
4	Duration of proceeding	48 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. GN-011-2022 dtd.19/07/2022**

Ahthesham Bano Mohd. I.A. Khan .....Complainant

V/S

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

**Present**

Chairman

Coram : Shri S.A. Quazi, Chairman

Member

1. Smt. Anagha A. Acharekar, Independent Member
2. Shri S.S. Bansode, Technical Member

On behalf of the Respondent (1) : 1. Mrs. Pramila Nikale

On behalf of the Complainant : 1. Shri Mohd. I.A. Khan

Date of Hearing : 29/08/2022

Date of Order : 05/09/2022

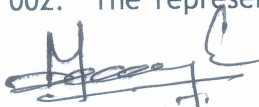


*Sum*  
*of*  
*M. Bansode*

### Judgment

- 1.0 The complainant has grievance about demand of the Respondent in respect of the DP charges mentioned in his bills pertaining to her a/c no. 764-345-002.
- 2.0 The following facts are not disputed :
- a) The complainant is the consumer of the Respondent / BEST Undertaking having a/c no. 764-345-002. The correct name of the complainant is Mrs. Ahtesham Bano M.I.A. Khan but in the complaint in Schedule 'A' filed before this Forum and other documents, her name is mentioned incorrectly as Mrs. Anthesam Bano M.I.A. Khan. This clarification has been given by the representative of the complainant by giving a letter to the members of this Forum today and it is taken on record. Hence the present complaint is treated to have been filed by Anthesam Bano.
- b) The premises pertaining to the complainant is described as 31/A, ground floor, 60 feet Road, Chamda Bazar, Dharavi Main Road, Dharavi, Mumbai - 400 017.
- c) The complainant has purchased this premises in or about in the year 2010. Thereafter the Respondent gave electric connection to the said premises in the name of the complainant in the month of January 2011.
- d) The Respondent / BEST Undertaking gave a letter dtd. 19/12/2019 to the complainant stating that an amount of Rs. 18,74,740/- was outstanding pertaining to the consumer a/c no. 764-345-001 in the name of Madira Moorthy and the aforesaid dues were pertaining to the premises of the complainant where electricity provided to the complainant under the a/c no. 764-345-002. Thereupon the complainant requested the Respondent to give benefit of Amnesty Scheme and under that request, the Respondent reduced that amount out of which the complainant initially paid Rs. 75,000/-. Thereafter, the complainant did not make payment and hence, the Respondent debited the remaining amount of Rs. 11,79,134.77 to the account of the complainant having a/c no. 764-345-002 and credited that amount from the account of Madira Moorthy pertaining to a/c no. 764-345-001. Thereafter, the complainant paid an amount of Rs. 1,00,000/- out of aforesaid amount. Then in January 2022, the Respondent waived the aforesaid dues pertaining to a/c no. 764-345-001.
- 3.0 The case of the complainant as stated in the complaint as well as in the submission of the representative of the complainant may be stated as under :
- a) According to the complainant, the Respondent is not entitled to recover the DP amount and interest being charged on the amount of outstanding pertaining to a/c no. 764-345-001 of Madira Moorthy. However, the Respondent has included the said DP and Interest charged in the bill of the complainant pertaining to the a/c no. 764-345-002. The representative of the complainant has submitted that the Respondent be



  
(Milind Kharanjkar)  
Secretary  
CGRF, BEST



sum





directed to separate this amount from his account as the complainant has already paid Rs. 1,75,000/- under Amnesty Scheme pertaining to a/c no. 764-345-001 of Madira Moorthy that is the alleged earlier consumer.

- b) The complainant's representative has therefore requested to direct the Respondent to modify his bill accordingly and to deduct the amount of DP and interest as aforesaid from the bill.

4.0 The case of the Respondent as stated by them in their reply and as stated in the submissions of the representative of the Respondent may be summarized as under :

- a) As per Municipal Chief Auditor (MCA's) query under 25/2019 dtd. 25/11/2019 was received to recover outstanding amount of earlier consumer, Madira Moorthy having a/c no. 764-345-001. The intimation towards outstanding amount of Rs. 18,74,740/- through notice no. CCGN/157/01-2019 dtd. 19/12/2019 was issued to the premises holder i.e. the current occupier Mrs. Ahtesham Bano M.I.A. Khan. On receipt of notice dtd. 19/12/2019, the consumer approached to the Respondent's Customer Care Dharvai office and enquired about the arrears. The Supdt. of the Respondent's Customer Care Dharavi informed the consumer that there is scheme for recovery of outstanding i.e. Amnesty Scheme 2019. If he pays the dues then whatever outstanding amount shown in the electricity bill, the amount of DP and interest will be waived off, if he pays Rs. 1,75,000/- instead of Rs. 18,74,740/-. Accordingly, the consumer paid Rs. 75,000/- on 13/10/2020. The Total outstanding amount shown was Rs. 18,74,740/- also includes wrong billing of Rs. 6,60,015.89 which was credited and net outstanding for recovery comes to Rs. 12,54,134.77. After payment of Rs. 75,000/-, the net outstanding comes to Rs. 11,79,134.77. After payment of Rs. 75,000/- the consumer did not pay balance amount of Rs. 1,00,000/- towards the pending bill. Hence, the balance amount of Rs. 11,79,134.77 was debited in consumer's regular a/c no. 764-345-002 in the month of January 2021.
- b) Thereafter, the consumer stopped paying her regular bills pertaining to a/c no. 764-345-002. After debiting of dues of old a/c no. 764-345-001 into current a/c no. 764-345-002, the complainant has paid Rs. 1,00,000/- on 12/02/2021 pertaining to outstanding of old account.
- c) Whatever amount debited in consumer's current a/c no. 764-345-002, the adjustments were made and credit of Rs. 11,79,134.77 was deducted in the month of January 2021 pertaining to old a/c no. 764-345-001 from 764-345-002 by adjusting the amount of Rs. 1,00,000/- paid by the consumer on 12/02/2021.
- d) Therefore, the Respondent has submitted that the complainant is not entitled now for any more relief from the Respondent and hence, the Respondent has submitted that the complaint be dismissed.



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CGRF, BEST

- 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 complainant is entitled for refund of the amount which the complainant has paid towards the outstanding of old a/c no.764-345-001 pertaining to Madira Moorthy ?	In negative
2	Whether the complainant is entitled for directions to the Respondent to reduce the amount of DP and interest included in the account of the complainant in respect of the outstanding of the old a/c no. 764-345-001 ?	In affirmative
3	What order should be passed ?	The instant complaint will have to be partly allowed with directions to the Respondent to modify the bills pertaining to a/c no. 764-345-002 of the complainant so as to reduce the amount from it towards DP and interest pertaining to the outstanding of old a/c no. 764-345-001 and in these terms the complaint will have to be disposed off as is being indicted in the operative order being passed herein below.

6.0 We record reasons for aforesaid findings as under :

- We have noted the admitted facts herein earlier. We have also noted the submissions of the parties.
- As far as the request of the complainant to direct the Respondent to refund the amount paid by the complainant to the Respondent in respect of the outstanding of old a/c no. 764-345-001 pertaining to Madira Moorthy is concerned, we find that the said request of the complainant is not just and proper in view of the fact that the complainant has not shown that the old a/c no. 764-345-001 in the name of Madira Moorthy was not pertaining to premises of the complainant wherein the complainant is provided electricity by the respondent under a/c no. 764-345-002. On the contrary, the Respondent has produced sufficient documents which shows that Madira Moorthy was a



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(Milind Karanjkar)  
Secretary  
CGRF, BEST

*(Signature)* *(Signature)* *(Signature)*



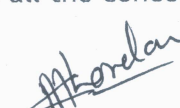
consumer under a/c no. 764-345-001 in the same premises which is occupied by the complainant presently. Therefore the earlier outstanding pertaining to this premises shall remain charged on this premises. Hence, we have recorded negative findings on point no. (1).


- c) As far as point no. (2) is concerned it is in respect of the DP and interest charges. We have noted that the complainant has paid in all amount of Rs. 1,75,000/- pertaining to the outstanding of old a/c no. 764-345-001. Thereafter, the Respondent has also waived the remaining outstanding amount in the month of February 2022 which was debited in the current account of the complainant i.e. 764-345-002 in the month of January 2021. Therefore, during this one year's period, the DP and Interest should have been charged against the complainant. Hence, the complainant is entitled for the relief in this regard. Therefore, we hold that the complainant is entitled to get directions from this Forum to the Respondent to reduce the amount of DP and interest pertaining to outstanding of old account from the bill of current account 764-345-002 of the complainant. Hence, we have recorded affirmative on point no. (2).
- d) In view of negative findings on point no. (1) and affirmative findings on point no. (2), we hold that the complaint deserve to be allowed partly as is being indicated in the operative order being passed herein below. Accordingly, we have answered point no. (3). Hence, we pass the following order.

#### ORDER

- 1.0 The grievance no. GN-011-2022 dtd.19/07/2022 is being disposed off in following terms.
- a) The request of the complainant to direct the Respondent to refund the amount paid by the complainant towards outstanding of old a/c no. 764-345-001 pertaining to Madira Moorthy is hereby rejected.
- b) However, the Respondent is directed to modify the bills of the complainant pertaining to her current a/c 764-345-002 so as to reduce from it the amount of DP and interest pertaining to the outstanding of old a/c no. 764-345-001.
- c) After modifying the bills as aforesaid, the Respondent shall serve the fresh bill to the complainant for payment within two billing cycle.
- 2.0 Copies of this order be given to all the concerned parties.

  
(Shri. S.S. Bansode)  
Technical Member

  
(Smt. Anagha A. Acharekar)  
Independent Member

  
(Shri S.A. Quazi)  
Chairman



  
(Milind Karanjkar)  
Secretary  
CGRF BEST



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