

	Date	Month	Year
1	Date of Receipt	22	01 2025
2	Date of Registration	24	01 2025
3	Decided on	05	03 2025
4	Duration of proceeding	40 days	
5	Delay, if any.	—	

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
B.E.S. & T. UNDERTAKING

(Constituted under section 42(5) of the Electricity Act 2003)

Ground Floor, Multistoried Annex Building,
BEST's Colaba Depot
Colaba, Mumbai - 400 001
Telephone No. 22799528

Grievance No. A-511-2025 dtd. 24/01/2025

Mr. Arjit Vijay RawalComplainant

V/S

B.E.S.&T. UndertakingRespondent no. 1

Present Coram : Hon'ble Chairman (CGRF) : Mr. M.S. Gupta

Hon'ble Independent Member : Mrs. A. A. Acharekar

Hon'ble Technical Member : Mr. J.W. Chavan

On behalf of the Complainant : Mr. Vinit Rawal

On behalf of the Respondent : BES&T Undertaking

1. Mr. Mr. S.N. Pawar, Divisional Engineer Customer Care, 'A' Ward

2. Mr. Mr. M.Y. Sadadekar, Asst. Engineer Customer Care, 'A' Ward

Date of Hearing : 18/02/2025

Date of Order : 05/03/2025







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Judgment

- 1.0 The Complainant's case in brief is that, he is having consumer A/c no. 328-281-037, meter no. N176880 in premises at 2nd floor, Plot 3, Shammik Chambers, Devji Rodansi Marg, Carnac Bunder, Chinchbunder, Mumbai - 400 009 (for short "the said premises"). The instant grievance is regarding bill issued for outstanding amount against another consumer's A/c no. 328-281-021 of M/s MEK Engineering W/S Pvt. Ltd. and charged on his A/c no. 328-281-037. The said outstanding amount is in respect of meter installed at 3rd floor of the said building.
- 1.1 The Complainant further submitted that on 19/12/2024, he received a notice from the Respondent for unauthorized use of extension of load on the above said A/c no. 328-281-037. He raised his objection vide letter dtd. 05/01/2024. On 25/01/2024, he received another notice from the Respondent regarding outstanding amount of Rs. 20,12,440/- in respect of disconnected meter of M/s. MEK Engineering W/S Pvt. Ltd. and it was debited to his A/c no. 328-281-037.
- 1.2 The Complainant further submitted that his, M/s. Rawal Investment LLP took over the said building in 1959. M/s. MEK Engineering W/S Pvt. Ltd., which was on 3rd floor, left the said premises at their own behest. The common meter connection from 2nd floor was made available for 3rd floor for which the payments are being made regularly, since 2019. He explained to the concerned officer of the Respondent that the charges included in his electricity bill were originally of M/s. MEK Engineering W/S Pvt. Ltd., whose meter was removed in 2009 and now they are not occupant in the said premises. M/s. MEK Engineering W/S Pvt. Ltd. were old tenants of the earlier owner from whom his family members bought the said building in the name of M/s Rawal Investment LLP. The Complainant on 14/08/2024, wrote a letter to extend benefit of Amnesty Scheme to settle the outstanding arrears excluding DPC & IOA charges but he did not receive any reply. Lastly he has submitted that, his meter which is being used since 2010 for 2nd & 3rd floor does not have any outstanding. However, outstanding bills of M/s. MEK Engineering W/S Pvt. Ltd. are being illegally levied to his electricity bill. Hence, he has approached this Forum for acceptance of his prayer to remove outstanding bills of other Consumer charged in his electricity bill.
- 2.0 The Respondent in its reply categorically stated that the complainant having A/c no. 328-281-037 has an outstanding of Rs. 34,01,307/- as per latest electricity bill. In September 2009, meter bearing A/c no. 328-281-021 was removed for non-payment of arrears of electricity bills. During the inspection it was found that, 3rd floor of the said premises was unauthorizedly provided supply through meter installed on 2nd floor of the Complainant. Hence, on 19/12/2023, a notice for unauthorized extension of load was served on the Complainant. Further on 25/01/2024, another notice was served on the Complainant by the Respondent for



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intimation of debiting the outstanding amount of Rs. 20,12,440/- in Complainant's A/c no. 328-281-037, as he was giving supply unauthorizedly to the 3rd floor of the said building. Also, an action u/s 126 of the Electricity Act, 2003 was initiated against the Complainant for unauthorized extension of supply to 3rd floor of the said building.

- 2.1 The Respondent has received letters dtd. 14/08/2024 and 07/10/2024 from the Complainant to avail benefit of Amnesty Scheme 2024. Accordingly, a proposal was put up to waive interest on arrears (IOA) & delay payment charges (DPC) to the Complainant under Amnesty Scheme 2024. However, Audit Dept. has taken objection and suggested not to consider this case to give benefit of Amnesty Scheme 2024. Hence, the said proposal under the said scheme was rejected. Lastly, the Respondent has submitted that this Forum may dismiss the grievance and ask the Complainant to pay full outstanding amount of Rs. 34,01,307/- as per latest bill of January 2025 which includes debited amount of Rs. 20,12,440/- of A/c no. 328-281-021 and claim amount of Rs. 7,47,224/- u/s 126 of the Electricity Act, 2003 as both the premises on 2nd & 3rd floor are occupied by the Complainant.
- 3.0 From rival submissions of the parties following points arise for our determination with findings thereon for the reasons to follow :

Sr. No.	Points for determination	Findings
1	Whether the total arrears of Rs. 20,42,630.16 claimed by the Respondent in respect of M/s. MEK Engineering W/S Pvt. Ltd. having A/c no. 328-281-021 from the Complainant is valid ?	Negative
2	What order ?	As per final order.

REASONS

- 4.0 We have heard the parties in this matter along with their representatives and gone through various documents filed by them.
- 5.0 The representative of the Complainant Mr. Vinit Rawal during the course of argument amongst other grounds submitted that, M/s. MEK Engineering W/S Pvt. Ltd. was occupying 3rd floor of the said building on Pagdi system, since prior to transfer of ownership to Rawal Investment LLP. The said M/s. MEK Engineering W/S Pvt. Ltd. on its own behest vacated the said 3rd floor without intimation to the Complainant tentatively in 2004-05, but records are not readily available. He further submitted that his father Mr. Vijay Rawal had purchased the said building in or about 1994-95.

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He further claimed that despite the fact that the said meter of M/s. MEK Engineering W/S Pvt. Ltd. was removed in 2009, an illegal addition was made of the arrears from Consumer A/c of M/s. MEK Engineering W/S Pvt. Ltd. in the Electricity bill of his meter provided on 2nd floor of A/c No. 328-281-037. He approached the Respondent many times but details of the arrears amount of Rs. 20,42,630.16 debited to his A/c no. 328-281-037 were not provided to him.

6.0 The complainant also approached the Respondent to settle the matter under Amnesty Scheme 2024 by sending letter dtd. 06/08/2024 but to no effect, though he was eligible for the same. Lastly, he has submitted to the Forum that he is ready to make the payment of arrears as per the Amnesty scheme 2024, if it is reasonable.

7.0 The representative of the Respondent submitted that in 1993 the meter was installed on 3rd floor for M/s. MEK Engineering W/S Pvt. Ltd. & it was removed in 2009, due to non-payment of arrears of Rs. 4,52,597/-. He further submitted that the total arrears in respect of the said meter was Rs. 20,42,630.16, which includes DPC and Interest. Out of the said amount, total arrears of Rs. 20,12,440/- is presently debited to the complainant's A/c no. 328-281-037. As per the Amnesty Scheme 2024 total amount payable for A/c no. 328-281-021 is Rs. 4,52,597.71 subject to audit.

8.0 Actually, the 2nd floor of the said building has been occupied by the Complainant as per Agreement of Assignment dtd. 28/12/1990. The said premises is having electric Meter No. N176880 pertaining to A/c no. 328-281-037. Similarly, 3rd floor of the said building was occupied by M/s. MEK Engineering W/S Pvt. Ltd. having an electric meter for Consumer A/c no. 328-281-021. The entire building was taken over by one Mr. Vijay Rawal, father of the Complainant and his brother under Agreement of Assignment dtd. 28/12/1990 and Deed of Assignment dtd. 12/04/1991. As per the Respondent, the meter of M/s. MEK Engineering W/S Pvt. Ltd. was removed in September 2009 for non-payment of Rs. 4,52,597/- towards arrears against electricity consumption charges. The Respondent also contended that during inspection, it was found that the 3rd floor of the said building was provided electric supply from the meter connection on 2nd floor bearing A/c no. 328-281-037 pertaining to the Complainant. Hence, for unauthorized extension of load, a notice dtd. 19/12/2023 was served on the complainant claiming an amount of Rs. 7,47,224 u/s 126 of Electricity Act, 2003 for investigation and enforcement assessment of indulging in unauthorized use of electricity, which depicts as under;

(126 (6) (v) The assessment under this section shall be made at a rate equal to (twice) the tariff applicable for the relevant category of services specified in sub-section (5), for the purpose of this section (v) for the premises or arrears other than those for which the supply of electricity was authorized.)

9.0 As there was no response from the Complainant, the said amount was debited to the consumer account of the Complainant. On 25/01/2024, the Respondent had issued a



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notice to the Complainant that as he is occupying the entire 2nd & 3rd floor of the said building and electric supply is provided to 3rd floor through the meter sanctioned electrical load only for 2nd floor, hence total outstanding of Rs. 20,12,440/- of 3rd floor premises pertaining to M/s. MEK Engineering W/S Pvt. Ltd. is debited to his A/c no. 328-281-037.

- 10.0 Apparently, it seems that after disconnection of meter in 2009 till date no action was taken by the Respondent against M/s. MEK Engineering W/S Pvt. Ltd. Similarly, as the Complainant has provided electric supply to 3rd floor from his electric meter, the entire outstanding dues of M/s. MEK Engineering W/S Pvt. Ltd. were debited to his account.

(As per Clause no. 16.9.2 MERC (Electricity Supply Code & SOP of Distribution Licensee including power quality) Regulations, 2021 for Settlement of Arrears in Bill Payments,

"No sum due from any Consumer shall be recoverable after the period of Two (2) years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied as per Section 56 (2) of the Act except for permanently disconnected Consumer".

Wherein Section 56.2 of the Electricity Act, 2003 for Disconnection of supply in default of payment provides as under :

"Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied and the licensee shall not cut off the supply of the electricity".

It is observed that the electric meter pertaining to M/s. MEK Engineering was disconnected in 2009 and the arrears of the outstanding against the said consumer A/c no. 328-281-021 were charged in the Complainant's consumer A/c no. 328-281-037 in 2024. The Respondent has not submitted details of recoverable arrears charged to the Consumer continuously from the date when such sum became first due. However, as the Respondent has ascertained that all due procedures as per Section 56.2 have been implemented, it is directed to confirm the same prior to charging the recovery of arrears to the Complainant.

Despite all these things, the Complainant approached the Respondent vide letter dtd. 06/08/2024 to revise arrears payable under Amnesty Scheme 2024, which was rejected by the Respondent. However, vide letter dtd. 02/01/2025, the Respondent has rejected the application of the Complainant and informed the Complainant to pay total outstanding amount of Rs. 32,89,146/-.



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11.0 We have carefully gone through PO 246 C dtd. 01/08/2024, which was issued with an approval of the Hon. GM BEST. The Amnesty Scheme 2024 was introduced in the above said PO to waive off DPC & IOA to promote recovery of arrears in respect of electric meters removed between 01/10/2006 to 31/12/2020. The relevant clause 5.0 of the said Procedure order is produced as under :

5.0 (a) "The Amnesty Scheme 2024" shall be valid for period of 6 months. Consumers can participate from 01/08/2024 to 31/01/2025. Concerned DECC shall be the approving authority and these cases shall be post audited.

5.0 (b) All categories of consumer are eligible to participate in the scheme.

5.0 (c) Arrears amount shown in the ledger statement as appearing in the first billing month after the meter is removed from the system shall be considered for recovery and 100% IOA & DP to be waived off after recovery of arrears amount.

5.0 (d) Boundary line cases i.e. meter removed from site between 01/10/2006 to 31/12/2020 but meter is still on record can be considered under this scheme.

12.0 This order nowhere provides exclusion of any of the consumer's eligibility under the criteria mentioned in it. Besides, the concern Divisional Engineer Customer Care Ward, representative of the Respondent shall be the approving authority under the Amnesty Scheme and it is mentioned at 5.0 (a) in PO 246 C of the Amnesty Scheme that this case shall be post-audited. The Respondent conceded that the complainant being eligible to avail benefit under the said scheme and therefore he had sent the proposal under the said scheme to the Audit Dept. The Audit Dept. suggested not to consider the case to give benefit of Amnesty Scheme to the Complainant. The audit did not point out as to under which provision of the PO 246 C or under any other provision, Audit Dept. has suggested not to consider the case of the Complainant to give benefit of Amnesty Scheme 2024, though otherwise the Complainant appears to be eligible for the same.

13.0 As per the above mentioned clause 5 (a) of PO 246 C, concerned representing officer being approving authority could have approved the above said application under Amnesty Scheme 2024, as he had observed it being eligible and the case could have been forwarded for post audit if necessary, which was later on pre-audited rather than post-audit and rejected on the basis of suggestion of audit.

14.0 The Complainant submitted that prior to disconnection of electric meter in 2009, M/s. MEK Engineering W/S Pvt. Ltd. had suo moto vacated the premises tentatively in 2004-05. Despite the arrears of M/s. MEK Engineering W/S Pvt. Ltd., the Complainant bonafidely submitted that he is ready to pay reasonable charges / outstanding amount of M/s. MEK Engineering W/S Pvt. Ltd. with revision applicable as per Amnesty Scheme 2024. The said Amnesty Scheme provides for waiver of DPC



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& IOA for recovery of arrears in respect of meters removed between 01/10/2006 to 31/12/2020. In the instant case the meter of M/s. MEK Engineering W/S Pvt. Ltd. was removed in 2009. Eventually, M/s. MEK Engineering W/S Pvt. Ltd. and thereafter the Complainant is entitled to avail the benefit of Amnesty Scheme 2024. So, the Forum unanimously comes to the conclusion that at the most the Respondent should review this matter and assess the actual outstanding bill till the date of removal of the meter of M/s. MEK Engineering W/S Pvt. Ltd. on the basis of actual consumption charges subject to compliance of Section 56.2 of Electricity Act, 2003 and inform the Complainant about revised arrears payable accordingly, by providing the benefit of Amnesty Scheme 2024 in true spirit under intimation to this Forum.

- 15.0 The Respondent shall calculate the actual amount as per the aforesaid observation within 20 days from the date of receipt of this order and thereafter the Complainant shall pay the said amount within 15 days to the Respondent after receipt of written communication from the Respondent. After receipt of the payment from the Complainant, the Respondent shall immediately inform this Forum regarding compliance of the aforesaid order within 15 days from the receipt of the payment. Worthname to note that the Respondent has not submitted any details with bifurcation of outstanding dues of Rs. 4,52,597.71 payable at the time of removal of meter of Consumer A/c No. 328-281-021 in September 2009. So, now it should be done by the Respondent.
- 16.0 The Respondent has raised an issue in respect of unauthorized extension of supply by the Complainant to the 3rd floor of the said building and therefore action u/s 126 of Electricity Act, 2003 was initiated by it. The Respondent is at liberty to proceed further against the Complainant in that regard by taking separate appropriate steps carefully. For the foregoing reasons the point no. (1) is answered in the negative and we pass following order as answer to point no. 2.

ORDER


1. The Grievance No. A-511-2025 dtd. 24/01/2025 is partly allowed.
2. The Respondent is directed to revise the amount of arrears of M/s. MEK Engineering W/S Pvt. Ltd. debited to the account of the Complainant by providing benefits of Amnesty Scheme 2024 and as directed in the foregoing para of this order within 20 days from the date of receipt of this order and immediately communicate to the Complainant in writing under intimation to the Forum.
3. After receipt of the intimation from the Respondent as directed above, the Complainant shall pay the said outstanding arrears within 15 days.

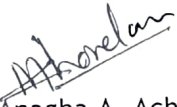


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4. The Respondent is further directed to submit the compliance report to the Forum within 15 days from the receipt of the payment from the Complainant.
5. The Respondent is at liberty to carefully take separate appropriate action Under Section 126, the Electricity Act, 2003 against the Complainant.
6. Copies of this order be given to all the concerned parties.


(Mr. Jitendra W. Chavan)


(Mrs. Anagha A. Acharekar)


(Mr. Mahesh S. Gupta)

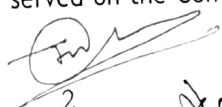



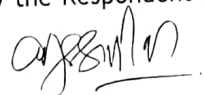
Judgment

- 1.0 The Complainant's case in brief is that, he is having consumer A/c no. 328-281-037, meter no. N176880 in premises at 2nd floor, Plot 3, Shammik Chambers, Devji Rodansi Marg, Carnac Bunder, Chinchbunder, Mumbai - 400 009 (for short "the said premises"). The instant grievance is regarding bill issued for outstanding amount against another consumer's A/c no. 328-281-021 of M/s MEK Engineering W/S Pvt. Ltd. and charged on his A/c no. 328-281-037. The said outstanding amount is in respect of meter installed at 3rd floor of the said building.
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