

**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-A-70-09 dt . 23/04/2009**

Shri. Borer Mehdiyan .....Complainant

V/S

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

**Present**

Quorum 1. Shri. S. P. Goswami, Ag. Chairman  
2. Smt. Vanmala Manjure, Member

On behalf of the Complainant Shri. Shri. Borer Mehdiyan

On behalf of the Respondent 1. Shri. S.B. Doifode, Supdt.CC, 'A' Ward  
2. Shri. S.M. Jaunjal, AOIGR, CC 'A' Ward  
3. Shri. S.L. Kamble, Sub-Engg, CC 'A' Ward

Date of Hearing: 13/05/2009

**Judgment by Shri. S.P. Goswami, Ag.Chairman**

Shri. Borer Mehdiyan, C/o George Restaurant, 20, Mumbai Samachar Marg, Fort, Mumbai – 400 023 has come before this Forum regarding grievance to install new meter in his name without asking any extra money other than security deposit.

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

- 1.0 Complainant Shri. Borer Mehdiyan applied for new meter for pan shop outside the George restaurant, 20, Mumbai Samachar Marg, Fort, Mumbai – 400 023.
- 2.0 As per complainant earlier the pan shop bill (A/c no. 309-253-095\*5) was in the name of Shri. R.S. Pathak. The Meter No.D920643 was installed on 23/10/1992.
- 3.0 The said meter was removed on 18/9/2002 for non payment. The consumer had paid last bill on 27/4/1998. This unpaid bill is from 27/4/1998 onwards till September 2002.
- 4.0 The said premises i.e. pan shop is now under complainant's use and possession as per Court receiver from Nov. 1995 & evicted Shri. R.S. Pathak.
- 5.0 During investigation for recovery of electricity bill arrears, BEST's Sub Engr. had visited premises on 23/7/2008 when the owner Shir. Borer Mehdiyan had argued and asked for legal notice from BEST authority regarding outstanding amount.
- 6.0 On 7/11/2008 letter was served to owner under ref. CCS/Supt./68294/08 dtd. 05/11/2008 to pay the outstanding electricity bill.
- 7.0 On 26/11/2008 the owner had applied for new connection vide Requisition No. 1091501 for a load of 100 watts which was sanctioned and sanction letter was sent on 2/1/2009 to make the compliaance accordingly.
- 8.0 In receipt of BEST's letter dtd. 9/3/2009 Shri. Borer Mehdiyan had made an complaint in 'C' form dtd. 19/9/2009 to IGR Cell of 'A' Ward which was replied on 6/4/2009 and he was informed to pay the standing amount of Rs.17,927/-.
- 9.0 Unsatisfied by the reply given by IGR Cell of BEST the complainant approached CGR Forum in schedule 'A' on 22/04/2009.

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

- 1.0 Complainant said that he had applied for new meter for pan shop outside the George restaurant, 20, Mumbai Samachar Marg, Fort, Mumbai – 400 023.
- 2.0 Complainant states that earlier the pan shop bill (A/c no. 309-253-095\*5) was in the name of Shri. R.S. Pathak.
- 3.0 The said premises i.e. pan shop is now under complainant's use and possession as per Court receiver.

- 4.0 Complainant applied for a new meter vide requisition no. 109150 dtd. 26/11/2008.
- 5.0 Vide sanction letter dtd. 1/4/2009 BEST asked complainant to pay OS bill as per RC Memo.
- 6.0 Complainant requested Forum that new meter is to be installed in his name as per shop and establishment license & no charges to be asked other than security deposit.
- 7.0 Complainant prayed to Forum that to install new meter in his name without asking any extra money.
- 8.0 At the time of hearing complainant states that Meter no. D920643 installed on 23/10/1992 in the name of Shri. R.S. Pathak. The said meter was replaced by meter no. D007687 on 2/7/2000 without verifying documents & deposit etc. The same meter was removed on 18/9/2002 for non payment. The old consumer had paid last bill on 27/4/1998. Complainant states that for recovery of the OS amount respondent had not taken any action from the year 1998 to 2008.
- 9.0 At the time of hearing complainant said that he got possession of the said pan shop through agent of court receiver in Nov. 1995 & complainant evicted Shri. Pathak from the premises through court of degree dtd. 16/8/2006 & complainant applied for new connection on 26/11/2008.
- 10.0 At the time of hearing complainant requested forum that BEST should give new connection to the said premises without asking any arrears.

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

1. The Meter No.D920643 was installed on 23/10/1992 in the name of Shri. R.S. Pathak. Subsequently, the above meter was replaced by Meter No. D007687 on 2/7/2000. Though as per his letter dtd. 14/11/2008 subject premises was acquired by the end was complainant Shri. Borer Mehidyen through agent of Court receiver in the year 1995, the Electricity bill was not got transferred in his name and continued to in the name of Shri. R.S. Pathak till meter is removed in 2002.
2. The said meter was removed on 18/9/2002 for non payment. The consumer had paid last bill on 27/4/1998. This unpaid bill is from 27/4/1998 onwards till September 2002.
3. The electric bill of above account was sent regularly to consumer on Billing address.
4. During investigation for recovery of electricity bill arrears, our Sub Engr. had visited premises on 23/7/2008 when the owner Shir. Borer Mehdiyan had argued and asked for legal notice from BEST authority regarding outstanding amount.

5. On 7/11/2008 letter was served to owner under ref. CCS/Supt./68294/08 dtd. 05/11/2008 to pay the outstanding, electricity bill for which the complainant had replied vide letter dtd. 14/11/2008 that he is the land lord of premises and he got possession through Agent of Court Receiver in November 1995 and evicted Shri. R.S. Pathak.
6. On 9/3/2009 we had replied to letter dtd. 14/11/2008 that the since the premises is under their possession acquired from court receiver in 1995, they have to pay outstanding electric bill of Rs.17,698/-.
7. On 26/11/2008 the owner had applied for new connection vide Requisition No. 1091501 for a load of 100 watts which was sanctioned and sanction letter was sent on 2/1/2009 to make the compliance accordingly.
8. In receipt of our letter dtd. 9/3/2009 Shri. Borer Mehdiyan had made an complaint in 'C' form dtd. 19/9/2009 to IGR Cell of 'A' Ward which was replied on 6/4/2009 and he was informed to pay the outstanding amount of Rs.17,927/-.
9. Respondent state that as per terms and conditions of supply the connection Fee of Rs.1500/- has to be paid alongwith security deposit of Rs.150 for the applied load. He has stated in his letter dtd. 19/3/2009 that he is the landlord of premises and he has obtained possession of the premises from Court. Since, Shri. Borer Mehdiyan is landlord and successor of the said premises, he is liable to pay the outstanding bill amount of Rs.17,927/-. However, to recover the Energy charges and to settle the dispute amicably our Sub Engr. Informed the consumer to pay only electricity charges of Rs.8997.32 to close the case.
10. At the time of hearing BEST said that the burnt meter was replaced by new meter on 2/7/2000 for the said consumer. At the time of the replacement of existing meter BEST do not ask for any security deposit or arrears.
11. On routine recovery of electricity bill arrears respondent representative visited the said premises on 23/7/2008.
12. At the time of hearing respondent states that at the time of application dtd. 26/11/2008 for new connection complainant has given undertaking letter for paying any outstanding dues immediately falling which in electric supply shall be liable for disconnection.
13. Respondent submitted the detail/breakup of OS amount Rs.17,927/- to the forum on 14/5/2009.

### **Observations**

1. The pan shop's meter no. D920643, bill of A/c no. 309-253-095\*5 was in the name of Shri. R.S. Pathak, the old consumer.

2. The said meter was removed on 18/9/2002 for non payment. The consumer had paid last bill on 27/4/1998. This unpaid bill is from 27/4/1998 onwards till September 2002.
3. For the purpose of recovery of electricity bill arrears respondent's representative visited the said premises on 23/7/2008, when he found the complainant was in possession of said premises. Accordingly, complainant was informed of the electricity bill arrears pending on the premises.
4. The said premises i.e. pan shop was awarded possession to complainant through Court receiver in Nov. 1995. However, complainant evicted Shri. R.S. Pathak through a court decree dtd 16/8/2006 & the same is now under complainant's use.
5. On 26/11/2008 complainant had applied for new connection to the pan shop vide Requisition No. 1091501 for a load of 100 watts which was sanctioned by respondent, with the condition to pay entire arrears of the old consumer. The complainant therefore sought relief from the Forum to waive entire arrears of the old consumer.
6. The electric bill of above account was sent regularly to consumer on billing address by the respondent.
7. A specific question was asked by the Forum to the complainant that alongwith his claim of rent, taxes, repair cess etc, why he did not sought relief from the court towards waival of payment of electricity dues or the same to be recovered from Shri. R.S. Phatak, the defendant of the court case suit no. 350 of 1995. The complainant evaded the answer.
8. The consumer is asking to waive new connection charges but as per the rates approved by MERC it is not possible to waive the new connection charges.

### **ORDER**

1. BEST is directed to recover unpaid charges of only 6 months of the actual consumption of the old consumer prior to the last reading i.e Feb-2001 to July-2001.
2. Copies be given to both the parties.

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

(Smt.Vanmala Manjure)  
Member