

		Date	Month	Year
1	Date of Receipt	21	01	2025
2	Date of Registration	23	01	2025
3	Decided on	13	03	2025
4	Duration of proceeding	53 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. GN-510-2025 dtd. 23/01/2025**

Farheen Bano Asif Khan .....Complainant

V/S

B.E.S.&T. Undertaking .....Respondent 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. Mohd. Shahid Shah

On behalf of the Respondent : BES&T Undertaking

1. Mr. R.N Kamble, Superintendent Customer Care, 'GN' Ward
2. Mrs.Kavita Popare, Administrative Officer Customer Care,'GN' Ward
3. Mr. S.A Khatik, Deputy Engineer Customer Care, 'GN' Ward

Date of Hearing : 05/03/2025

Date of Order : 13/03/2025

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## Judgment

- 1.0 The Grievance was filed on 23/01/2025 by Farheen Bano Asif Khan having Consumer A/c No. 675-386-010 Meter No. D163593 occupying premises at 69/16/236, Loft-1, Azad Nagar, Jasmine Mill Road, Dharavi, Mumbai- 400 017. The grievance is regarding billing related issue for outstanding arrears amounting to Rs. 5,15,701.99 against other Consumer No. 675-386-006 of her Father Abdul Kayas Abdul Rauf Shaikh being charged on her A/c No. 675-386-010 by the Respondent. The Consumer has submitted grievance due to outstanding arrears of other Consumer A/c no. 675-386-006 have been transferred to her Consumer A/c no. 675-386-010 vide letter dtd. 13/03/2024 by the Respondent.
- 1.1 The Complainant has submitted that, a notice was issued to her illiterate husband Mr. Asif Iqbal Khan by the Respondent without clear information about cause of notice. Only after visit to the office of the Respondent post Covid lockdown, he was informed that arrear amount of two Consumer accounts in the name of his brothers (Mr. Afzal Khan & Mr. Mehtab Iqbal Khan) was charged in the Consumer A/c No. 675-386-010 of the Complainant, as per the notice issued earlier. The Complainant has informed that in 2019, her electric meter was removed by the Respondent. Due to the same, Recovery Officer named Taufel Ahmed was approached by her husband through an agent named Nafees Shaikh, who demanded Rs. 2,00,000/- to settle the matter with removal of IOA charges from outstanding arrears against all the concern accounts of her family members. Rs. 1,20,000/- was paid by her husband to Nafees Shaikh for the said cause but he paid only Rs. 80,000/- to her Consumer A/c. Meanwhile, above said Notice was issued by an officer Taufel Ahmed of the Respondent. She had approached Superintendent at the Ward office of the Respondent, who also directed her to the Officer Taufel Ahmed, who again reiterated for payment of Rs. 2,00,000/- to settle the matter. Hence, the matter was taken up with the Respondent through an Advocate Mr. R.K. Mishra, who was informed by another officer Mrs. Pramila Nikale of the Respondent that arrears against other A/c Nos. of her relatives i.e. A/c No. 764-386-004 & 764-386-012 had been charged in the A/c No. 675-386-006 of Abdul Kayas Abdul Rauf Shaikh (her father), as the hutments of all these three persons was same. Also it was mentioned that her husband has confirmed above information and paid an amount of Rs. 50,000/- in six installments through a person named Rustom.



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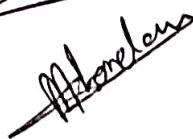


1.2 The Complainant has further informed that her Father had made complaint against above matter to the higher officers of the Respondent. In spite of above, on 23/07/2021 on the festival day of EID-UI-Adha her father's electric meter was removed by the officers of Respondent. On 28/07/2021, her Father has made complaint to many senior officers of the Respondent, which she came to know were finally sent to the same officer Mrs. Pramila Nikale of the Respondent. Her both Brother-in-law Mr. Afzal Khan & Mr. Mehtab Iqbal Khan again approached the Senior Officers of the Respondent with request to allow them to make payment of their respective Electricity bills waiving off their Interest amounts charged in the bills. A hearing was kept on 09/09/2021 by the Ward office of the Respondent, when it was informed to her that her brother-in-laws outstanding arrears have been added in the bill of her Father on the basis of guidelines under Clause 12.5 of the MERC directives. A complaint was made with GM, BEST about the case due to the reason of bribe asked by the officer of the Respondent. Another letter was submitted with Divisional Engineer of the Respondent to remove arrear outstandings of other Consumer A/c's from the Consumer A/c of her Father, Mr. Abdul Kayas Abdul Rauf Shaikh and reconnect his electric meter. She is staying alongwith her father in the same premises at ground floor and loft respectively having separate electric meter, still the Respondent has debited outstanding of her father to her account.

1.3 As per Clause 12.5 of MERC, her father is not liable to pay the outstanding of her brother-in-laws, as they are staying in different premises. In 2024, BEST has published a notice of Amnesty Scheme stating that if electric meters are removed in 2020 due to non-payment, the interest and penalty liable to be paid against outstanding arrears will be waived off. Her husband had already submitted an application to Divisional Engineer in favour of her both brother-in-laws being ready to avail the Amnesty Scheme and make payment liable against arrears. However, the above said application was rejected by Mr. Ingale, an officer of the Respondent. She has further claimed that inspite of several efforts made by her husband and both her brother-in-laws to settle the matter, Mr. Taufel Ahmed, an officer of the Respondent restrained them to make payment. In spite of a complaint being lodged in the form Annexure 'C', no hearing date was given till date and no action has been taken. The Complainant has narrated that for regular payment of current bill every month, she has been made to obtain signature of the officer from the Ward of the Respondent, without which she could not make payment.



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- 1.4 The Complainant has further aggrieved that Dharavi office of the Respondent takes undue advantage of poor, illiterate consumers, as they have kept her brother-in-law restrained from the benefits of Amnesty Scheme though they were eligible. The whole racket of staff in the Dharavi office of the Respondent is hand-in-gloves with the agents indulging in corruption and purposely harass consumers.
- 1.5 The Complainant has prayed to remove the outstanding arrears of both her brother-in-laws from the Consumer A/c of her father and allow them to make payment of arrears amount by waiving of DPC and IOA.
- 2.0 The Respondent in its reply categorically stated that the Complainant Mrs. Farheen Bano Asif Khan has disputed outstanding arrears of Rs. 5,15,701.99 debited in her Consumer A/c No. 675-386-010. This outstanding amount pertains to Consumer A/c No. 675-386-006 of Mr. Abdul Kayas Abdul Rauf Shaikh (Complainants Father-in-law) for premises at Ground Floor, Patra Shed, Dharavi Main Road, 60 Feet Road, Lala Compound, Dharavi – 400017. Actually, Mr. Abdul kayas Abdul Rauf Shaikh is not father-in-law of the Complainant but is the father of the Complainant.
- 2.1 The Respondent has explained that a Meter No. B153884 used for Commercial purpose on the Consumer A/c No. 764-386-012 on the name of Mr. Mehtab Iqbal Ahmed Khan (Brother-in-law of the Complainant) was removed on 19/11/2016 for non-payment of Electricity Charges. As on Jan'2017, an outstanding of Rs. 1,01,832/- is observed on the said Consumer A/c No. 764-386-012. Also, another Meter No. H096293 used for Residential purpose was installed on the Consumer A/c No. 764-386-004 in the name of Mr. Afzal Iqbal Ahmed Khan (second Brother-in-law of the Complainant). Meter No. E171227 (old meter No. H096293) on the Consumer A/c No. 764-386-004 was removed on 06/04/2018 for non-payment of Electricity Charges. As on July' 2018, an outstanding of Rs. 1,08,026.69 is observed on the said Consumer A/c No. 764-386-004. Both these meters were removed from the same address at Ground Floor, Patra Shed, Dharavi Main Road, 60 Feet Road, Lala Compound, Dharavi – 400017. On 03/12/2019 during site inspection, it was observed that the above said premises is given supply from Meter No. 1142894 for Consumer A/c no. 675-386-006 of Mr. Abdul kayas (Father of the Complainant). Also, it was heard that he has purchased above said property at Ground Floor, Patra Shed, Dharavi Main Road, 60 Feet Road, Lala Compound, Dharavi – 400017, as mentioned in site report.



  
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Hence, two Notices dated 04/12/2019 were served on Mr. Abdul kayas Abdul Rauf Shaikh (Father of the Complainant) for non-payment of outstanding arrears against the said property amounting to Rs. 1,40,346.32 & 1,60,080.94 for Consumer A/c No. 764-386-012 & 764-386-004 respectively, debited in his Consumer A/c No. 675-386-006.

- 2.2 Due to non-payment of arrears of Rs. 3,80,720/- the Meter No. 1142894 installed on 26/02/2019 for Consumer A/c no. 675-386-006 of Mr. Abdul Kayas Abdul Rauf Shaikh (Father of the Complainant) was removed on 23/07/2021. Vide reply to complaints submitted by the Complainant dated 28/10/2021, the Complainant was directed to make payment of arrears of Rs. 3,93,370/- as of Oct' 2021.
- 2.3 During site inspection dated 16/12/2023 it was observed that, the Complainant has provided electric supply to the above premises of her father from the Meter no. D163593 installed in her name on the Loft floor of the same premises. In view of the above, the Complainant vide letter dated 15/01/2024 was informed to make payment of arrears of Rs. 5,15,701.99 of the said premises.
- 2.4 The Respondent has contended that the premises of all four Consumers is same and they are liable for payment of arrears as per Undertaking submitted at the time of New connection application.
- 2.5 The Respondent has prayed that the Complainant may be asked to pay an amount of Rs. 5,15,701.99 against outstanding arrears of the said premises, immediately.
- 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 Respondent's action of levying outstanding arrears of Rs. 5,15,701.99 on the Consumer A/c No. 675-386-010 is justified?	Negative.
2	What Order ?	As per final Order.

*Abdul Kayas*

*Abdul Kayas*

*Abdul Kayas*

*B. a.*

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## REASONS

- 4.0 We have heard both the parties in this matter along with their representatives and gone through various documents filed by them. The details of the Consumer A/c Nos. involved in the matter are elaborated in the statement below;

Name	Farheen Bano Asif Khan	Mehtab Iqbal Khan	Mohd Afzal Iqbal ahmed Khan	ABDUL KAYAS ABDUL RAUF SHAIKH
Relation	Complainant	Brother-in-law	Brother-in-law	Father
Consumer No	675-386-010	764-386-012	764-386-004	675-386-006
Meter No	D163593 Residential	B153884 Commercial	H096293 old/ E171227 New Residential	1142894 Residential
Installation date	11-03-2020	18-01-2016	02-11-2010	22-02-2019
Meter Removal date	14-11-2024	19-11-2016	06-04-2018	23-07-2021
Arrears at the time of Removal	Current Bill 6723.00	101832.04	108026.69	373484.16
Document at the time of Installation	Occupancy Proof - Driving License /ID proof - Aadhar card, Pan card. Indemnity Bond	Occupancy Proof - Ration card ,Photo ID, Shop & Est. License	Occupancy Proof - Survey slip, Ration Card, Driving License. ID proof - DEP ID Card	Occupancy proof and ID proof : Aadhar card ,Pan Card, Shop Establishment License
Sanctioned Load	0.48 Kw	1	0.12	1

- 5.0 Significantly, the Respondent has issued a Notice on 04/12/2019 to the Father of the Complainant Abdul Kayas Abdul Rauf Shaikh for payment of Arrears of Rs. 1,34,090/- in terms of unauthorized electric supply to premises pertaining to Consumer A/c No. 764-386-004 of Mohammed Afzal Iqbal Ahmed Khan.

- 5.1 During the course of argument, the Respondent was neither able to substantiate its claim about the premises of all four Consumers was same nor was able to establish that the disputed properties of Complainant's two Brother-in-laws were purchased by her Father Abdul Kayas Abdul Rauf Shaikh. However, in the Respondent's submission (Para#2.4), the above reason is stated as the cause for debiting outstanding arrears of other Consumer A/c's in the Consumer A/c of



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Abdul Kayas Abdul Rauf Shaikh and further consolidated dues to the Consumer A/c of the Complainant.

- 5.2 The Respondent has mentioned various reasons such as unauthorized Electric supply connection, which are liable for action under Section 126 of the Electricity Act 2003. In the reply to the RTI by the application dated 02/08/2021 of Asif Iqbal Khan, Respondent vide letter dated 01/09/2021 has stated that outstanding arrears have been debited to another Consumer A/c No., as per Clause No. 12.5 of the Maharashtra Electricity Act 2005, hence action has been taken for recovery of the outstanding charges. In the reply to the RTI, the Respondent has mentioned such reprehensible mistake by mentioning wrong reference under which action is executed.
- 5.3 The Respondent has also mentioned three vigilance cases, which are obviously for unauthorized direct supply connection though the Respondent has not submitted details to the Forum. It is comprehended that these charges were supposed to be treated separately under relevant provisions.
- 5.4 The Respondent has submitted that premises of all four relevant Consumers is same. Surprisingly, the Respondent has admitted that separate four Consumer A/c's are allotted to the same premises by the Respondent. The Respondent has also submitted that it was heard and as mentioned in the site inspection report it was admitted that the Father of the Complainant has purchased the premises of her Brother-in-laws and being owner of all the premises, outstanding arrears have been debited to his account. However, the Respondent has not been able to substantiate above said claim and accepted during hearing that no verification was done before concluding action against above said claim of ownership.
- 6.0 It was clear during the discussion that, the premises of Mr. Mehtab Iqbal Ahmed Khan & Mr. Afzal Iqbal Ahmed Khan both Brother-in-laws of the Complainant were different than the premises of the Complainant. They were neither legal representative nor successor-in-law of the Complainant or her Father. Obviously, the action of the Respondent to charge the outstanding arrears of the electricity charges of both Brother-in-laws of the Complainant to the Father of the Complainant is clearly not justified. The Clause no. 12.5 of the MERC (Electric Supply Code and Standards of Performance of distribution Licensees including Power Quality) Regulations, 2021 is stipulated here as under;

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*"Any charge for electricity or any sum other than a charge for electricity due to the Distribution Licensee which remains unpaid by a deceased Consumer or the erstwhile owner / occupier of any premises, as a case may be, shall be a charge on the premises transmitted to the legal representatives / successors-in-law or transferred to the new owner / occupier of the premises, as the case may be, and the same shall be recoverable by the Distribution Licensee as due from such legal representatives or successors-in-law or new owner / occupier of the premises, as the case may be".*

- 6.1 The Complainant is residing in the same premises with her Father on the Loft but has been issued a separate electric meter by the Respondent. The illegitimate charge for recovery of outstanding arrears debited on the Consumer A/c of both Brother-in-laws of the Complainant caused removal of Meter of her Father and thereupon charging the same on the Consumer A/c of the Complainant.
- 6.2 The root cause of the grievance is speculation of the Respondent about premises of the four Consumers being same has caused immense predicament and inconvenience to the Consumers during a period from the inception of the dispute. The Respondent has not taken any effort to validate the claims during the hearing or in submission which has proved all the actions taken by the Respondent against the Complainant as illegitimate.
- 6.3 As seen in the submission, the Complainant has written many letters to the Respondent, however, it is observed from the submission of the Respondent that the Respondent has not taken due cognizance of the complaints.
- 7.0 Apart from the above, the Complainant has submitted many letters of the concern parties to allege that applications were made to the Respondent for considering acceptance of payment of outstanding arrears by including in the Amnesty Scheme, 2024 declared by the Respondent. The Amnesty Scheme, 2024 disseminates as under :

*The PO 246 C dtd. 01/08/2024 was issued with an approval of the Hon. GM BEST to introduced for the Amnesty Scheme 2024, wherein DPC & IOA are waived off 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.*



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

5.0 (c) Arrears amount shown in the lodger 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.

7.1 The Respondent during the hearing accepted that the Complainant and other concern applicants in the above case were eligible for the Amnesty Scheme, 2024. It is evident that, the Complainant & concern parties were intentionally persecuted and deprived from the benefits of the above said Scheme. The Complainant has aggrieved that response to the correspondence and efforts made to mitigate the issues was negative from various officers of the Respondent. The Forum is of the opinion that the anomaly reflected in such a case might be within the purview of concern authority but it definitely raises doubt.

8.0 The Forum also vehemently implies that the Respondent has not made proper, complete submission and has not taken care to send the concern representatives who are aware of the case details. Worthname to note that the Forum expects that at the time of hearing the officer who is well conversant with the facts of entire case must remain present with all relevant documents. However, it was not done. The officer of the Respondent present here is unable even to reply simplest query made by the Forum.

9.0 The Respondent has conceded that the complainant and concern disputed parties in the above case are eligible to avail benefit under the said scheme. The cumulative outstanding charge debited in the Consumer A/c no. 675-386-010 of the Complainant is for other three Consumer A/c nos. 764-386-012, 764-386-004 & 675-386-006. The above said three consumers have already made applications to avail the benefit under Amnesty Scheme, 2024.

9.1 In view of the forgoing discussion, it will be just and proper to direct the Respondent to obtain an Undertaking from all the above concerned Consumers willing to make payment of outstanding arrears by availing benefit of Amnesty Scheme, 2024 within 15 days from the date of receipt of this Order.

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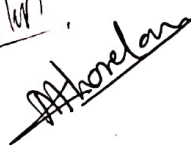


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- 9.2 Thereafter, the Respondent shall withdraw the outstanding arrears levied in the Consumer A/c no. 675-386-010 of the Complainant and recalculate the outstanding arrears of other A/c Nos. 764-386-012, 764-386-004 & 675-386-006 by giving benefits of the Amnesty Scheme 2024 and communicate the same to the concerned parties within 20 days upon receipt of Undertaking from the above Consumers.
- 9.3 The Respondent shall also inform the above concerned Consumers for A/c nos. 764-386-012, 764-386-004 & 675-386-006 to make due payment within 20 days upon recalculation of the outstanding arrears on the basis of Amnesty Scheme, 2024.
- 10.0 In view of above, 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. GN-510-2025 dtd. 23/01/2025 is allowed.
2. The Respondent is directed to obtain an Undertaking from all the concerned Consumers willing to make payment of outstanding arrears by availing benefit of Amnesty Scheme, 2024 within 15 days from the date of receipt of this Order.
3. Thereafter, the Respondent shall withdraw the outstanding arrears levied in the Consumer A/c no. 675-386-010 of the Complainant and recalculate the outstanding arrears of other A/c Nos. 764-386-012, 764-386-004 & 675-386-006 by giving benefits of the Amnesty Scheme, 2024 and communicate the same within 20 days upon receipt of Undertaking from the above Consumers.
4. The Respondent shall inform the above concerned Consumers for A/c nos. 764-386-012, 764-386-004 & 675-386-006 to make due payment within 20 days upon recalculation of the outstanding arrears on the basis of Amnesty Scheme, 2024.



  
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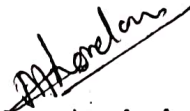


5. The Respondent shall report the compliance to the Forum within 15 days after receipt of payment from concerned consumers.
6. Copies of this order be given to all the concerned parties.



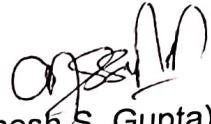
(Mr. Jitendra W. Chavan)

**Technical Member  
CGRF BEST**



(Mrs. Anagha A. Acharekar)

**Independent Member  
CGRF BEST**



(Mr. Mahesh S. Gupta)

**Chairman  
CGRF BEST**

