

**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. N-G(N)-63-09 dt . 30/01/2009**

Shri. Bhivaji D. Bhosale .....Complainant

V/S

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

**Present**

Quorum  
1. Shri. M.P. Bhave, Chairman  
2. Shri. S. P. Goswami, Member  
3. Smt. Vanmala Manjure, Member

On behalf of the Complainant Shri. Santosh Bhosle

On behalf of the Respondent Shri. Prakash S. Deshpande, AOCC(G/N)

Date of Hearing: 06/03/2009

**Judgment by Shri. M.P. Bhave, Chairman**

Shri. Bhivaji D. Bhosale, Dharavi, Mumbai-400 017 has come before this Forum for his grievance regarding waiver of outstanding amount & reconnection of electricity of A/c no. 610-783-004\*4.

**Brief history of the case**

- 1.0 The meter E943567 of A/c No. 610-823-117 of Shri. Nandlal Pachu was removed on 10/07/2002 for non-payment of outstanding amount of Rs.21,733.97/- of old electricity bill used for the premises.
- 2.0 As per BEST's letter addressed to the complainant dtd. 9/7/2004 the premises of the complainant was given electric supply through Meter No. E943567 under A/c no. 610-823-117 of Shri. Nandlal Pachu.
- 3.0 BEST 's inspectors on inspection observed that the complainant has obtained new electric connection through meter no. D0207226 under electricity bill no. 610-783-004 for the said premises.
- 4.0 Vide letter dtd. 9/7/2004 BEST informed the complainant that the outstanding amount of the premises would be debited in his electricity bill of account no. 610-783-004 as it is supplying electricity for the same premises and asked the complainant to contact the concerned official in case of any dispute.
- 5.0 Vide letter dtd. 26/7/2004 the complainant has disputed the outstanding amount debited in his account & refused to pay the same. In the said letter he has informed to BEST that he had purchased the premises from Mr. Jaiswal Jiyalal Kariya on 3<sup>rd</sup> January, 1994. For the last 10 years he was occupying the said premises & getting electric supply through A/c No. 610-783-004. The said account has no outstanding amount. Hence, he is no way concerned with Mr. Nandlal Pachu's outstanding amount.
- 6.0 Vide letter dtd. 2/7/2008 complainant again requested BEST to debit the outstanding amount from his electricity account.
- 7.0 Complainant approached Internal Grievance Redressal Cell in Annexure 'C' format on 7/8/2008 for waiver of the outstanding amount after verifying the authentic document submitted by him.
- 8.0 Vide requisition no. 70906114 dtd. 6/11/2008 the complainant approached BEST for reconnection of electric supply.
- 9.0 Vide letter 27/1/2009 BEST asked the complainant to pay the outstanding amount for reconnection of electric supply.
- 10.0 Unsatisfied by the reply dated 23/12/2008 of the respondent against Annexure 'C' complaint, stating that case is referred to management for decision, consumer approached CGRF Forum in schedule 'A' format on 28/01/2009.
- 11.0 Vide interim order dtd. 6/3/2009, BEST was asked to give electric supply to the complainant on or before 12/3/2009, subject to site compliances are in order.
- 12.0 Vide departmental letter dtd. 1/4/2009, BEST informed that electric connection is given to the complainant on 26/3/2009.

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

1. The complainant states that he was living at 14 Babu Jagjivan nagar, Kala Killa Dharavi, Mumbai- 400 017 from last 8 years and had an electric supply from A/c no. 610-783-004\*4 which had no outstanding amount.
2. He had purchased the said premises from Mr. Jaiswal Jiyalal Kariya on 3<sup>rd</sup> January, 1994. Before 3/1/1994 Mr. Jaiswal Jiyalal Kariya was living at the said premises & after 3/1/1994 till date he is living at the said premises.
3. On 9<sup>th</sup> July, 2004 outstanding amount of somebody else (Mr. Nandlal Pachu) has been transferred to his A/c no. 610-783-004. He has already disputed this matter on 26<sup>th</sup> July, 2004. However, till date there is no reply from department. He also made complaint in Annexure 'C' format to IGR Cell of BEST on 7<sup>th</sup> August, 2008, but the dispute is not yet resolved.
4. He has requested Forum to verify his authentic documents & delete the outstanding amount of Mr. Nandlal Pachu from his electricity account and requested to give reconnection to his premises.
5. Shri. Ganesh B. Bhosle is the younger son of Shri. Bhiwaji Bhosle. His name was canceled from the agreement as he was underage. In his place name of Shri. B.D. Bhosle was included.

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

1. Shri. Nandlal Pachu was BEST's registered consumer having meter No. E943567 under A/c No. 610-823-117. The meter was removed for non-payment of arrears of Rs.21,733.97 on 10/07/2002.
2. Now the said premises was occupied by Shri. Bhiwaji Dinkar Bhosle, meter No. D027226 under A/c No. 610-783-004.
3. At the time of investigation it was observed that the said room is occupied by Shri. Bhiwaji Dinkar Bhosle. It has also been confirmed with the neighbour that Nandalal Pachu sold the premises to Shri. Bhiwaji Dinkar Bhosale. However, no affidavit was taken from the neighbours. Hence the O.S amount of Rs.21,733.97 has been debited to his account in the month of November-2004. The O.S. premises has been demolished. Further, it is confirmed by the Outdoor Recovery Staff that O.S. premises and the premises of Shri. Bhiwaji Dinkar Bhosle is one and same.
4. Shri. Bhiwaji Dinkar Bhosale has disputed the same vide his letter dated 27-7-2004 and 2-7-2008 requesting to withdraw the same. In support of his application he has submitted 3 Affidavits :

- 4.1 The Affidavit dated 3-1-1994: This is an agreement between Jaiswar Jiyalal Karia & Ganesh B. Bhosle.
- 4.2 2<sup>nd</sup> Affidavit dated 3-1-1994: This is an agreement between Jaiswar Jiyalal Karia & Bhiwaji Bhosale.
- 4.3 3<sup>rd</sup> Affidavit dated 3-4-1995: This is an agreement between Raghunandan Bekaru Jaiswar and Santosh Bhiwaji Bhosle.
5. In any of above three Affidavits it is not clear that Shir Bhiwaji D. Bhosle has purchased the said premises from Jiyalal Karia or R.B. Jaiswar.
6. The ID papers of installation No. 853613 and 929527 are not traceable. The meter No.B027226 of Shri. Bhiwaji D. Bhosle was installed on 28-9-2002 and removed on 8-3-2007.
7. Hence on the basis of investigation of outdoor staff of O/S recovery, it is presumed that Shri. Bhiwaji Dinkar Bhosle has purchased the premises from Nandlal Pachu.
8. In view of the above, applicant's request to withdraw the O.S. amount from his account is not justified.
9. Electric connection was given to the complainant as initially BEST was not aware of the outstanding amount of the premises.
10. Respondent agreed to provide ledger position of Shri. Pachu for 2 years preceding year 2002 and accordingly submitted the same.

### **Observations**

1. From any of the above affidavits, it is not proved that the complainant has taken the premises from Mr. Nandlal Pachu.
2. The BEST also has failed to show the documentary proof that the complainant has purchased the premises from Nandlal Pachu. BEST could have tried to justify their action by getting information from Slum Rehabilitation Authority (SRA).
3. Further, to justify the point the BEST has not taken any affidavit from the neighbors regarding purchase deal between Mr. Bhosle and Mr. Pachu .
4. From the above observations it is not proved that the complainant has purchased the premises from Mr. Nandlal Pachu, hence the complainant is not liable to pay the OS claim amount belonging to Mr. Nandlal Pachu.
5. The BEST has not taken the cognizance of the application in Annexure 'C' made on 7/8/2008 till 23/12/2008. Instead BEST has

replied to the complainant that matter is referred to the management for decision. As per MERC (CGRF & EO) Regulations, 2006, BEST should have given final decision to Annexure 'C' complaint within a stipulated time period of 2 months.

**ORDER**

1. BEST is directed to remove the OS claim amount of Rs.21,733.97 from complainant's account.
2. Copies be given to both the parties.

(Shri. M. P. Bhave)  
Chairman

(Shri. S. P. Goswami)  
Member

(Smt. Vanmala Manjure)  
Member