

BEFORE THE COMPLAINANT 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)-168-2012 dtd. 18/09/2012

Mr. Mohd. Amin Khan I.A. ShaikhComplainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Quorum : Chairman
Shri R U Ingule, Chairman

Member
1. Shri M P Thakkar, Member
2. Shri S M Mohite, Member

On behalf of the Complainant : 1. Shri Abdul H. Khan
2. Shri I.A. Shaikh

On behalf of the Respondent : 1. Shri P.S. Deshpande, AAMCC(G/N)
2. Shri M.Y. Sadadekar, Dy. ECC(G/N)

Date of Hearing : 18/10/2012

Date of Order : 02/11/2012

Judgment by Shri. R.U. Ingule, Chairman

Mr. Mohd. Amin Khan I.A. Shaikh, Shop N. 322-1-2, Ground flr., Rahamatali compound, Dharavi, Mumbai - 400 017 has come before the Forum for Dispute regarding burning of meter due to fire in the locality in the year 1989 and issue of final bill thereof pertaining to A/c - 781-118-087*7.

Complainant has submitted in brief as under :

- 1.0 The complainant has approached to IGR Cell on 05/12/2011 regarding wrongly charged penalty for exceeding Contract Demand pertaining to A/c no. 781-118-087*7. The complainant has approached to CGRF in schedule 'A' dtd. 12/09/2012 (received by CGRF on 14/09/2012) as no remedy is provided by the Distribution Licensee regarding their grievance. The complainant has requested the Forum to review the amendment bill and not to disconnect the supply till settlement of this case.

**Respondent, BEST Undertaking in its written statement
in brief submitted as under :**

- 2.0 The meter no.E882188 and O28686 were installed at the premises of the complainant on 26.12.1988. As per the complainant, both the above meters were damaged in fire. The complainant has paid damaged meter / lost meter charges vide receipt no.17209 dated 17.01.1992.
- 3.0 As per available record, the last reading in the month of June 1994 was 1160 for meter no. E882168 and 232 for meter O28686.
- 4.0 Subsequently, as per available record of the Undertaking the last reading in the month of June 1996 was 2160 for the meter no.E882168 and 5332 for the meter no.O28686. Hence, the complainant was billed for 1000 and 5000 units. After that meter was not found on the meter cabin.
- 5.0 The bill amount as on July 1996 was Rs.32,622.74. This amount was not paid by the complainant. This unpaid amount by attracting D.P. & Interest became Rs.9,77,375 as on August 2012. The premises is demolished and cannot be traced out.
- 6.0 In view of the consumer may be directed to pay Rs.9,77,375/- as a legitimate amount.

REASONS :

- 7.0 We have heard Shri Abdul H. Khan with Shri I.A. Shaikh for the complainant and for the Respondent BEST Undertaking Shri P.S. Deshpande with Shri M.Y. Sadadekar.
- 8.0 The present case on the hand of this Forum, has been an open and shut case. The complainant *inter-alia* contends that the two meters provided to the complainant bearing no. E882188 and O280686 with account no. 781-118-087 got burnt in a fire which was taken place in the year 1989. Therefore, the complainant has promptly paid charges for these burnt meters vide the receipt dtd. 17/01/1992.
- 9.0 However to the surprise of the complainant, he was served with electricity bill against these burnt meters. Therefore, for rectifying this error on the part of the Respondent BEST Undertaking the complainant had addressed total eight letters between the period from 01/08/1996 to 05/12/2011, but in vain. The complainant has been thereafter served with the bill for Rs. 9,21,965.00 in the month of February 2012 in respect of the said meters no. E882188 and O280686, which were already burnt in the past and against which the charges were paid by the complainant and receipt against it was issued by the Respondent BEST Undertaking.
- 10.0 In a lame attempt to defend the allegation made by the complainant, the Respondent BEST Undertaking while agreeing that both these meters provided to the complainant

got damaged in fire and for the same the complainant has paid the charges vide the receipt dtd. 17/01/1992, however submitted that as per the record viz. *Ledger Folio* maintained by EDP Dept., the complainant was charged for unpaid electricity charges which was Rs. 9,77,375.00 as on August 2012. Therefore prayed for directing of the complainant to pay the said bill.

- 11.0 This Forum finds a receipt bearing no. 17209 dtd. 17/01/1992 placed on file by the complainant at pg. 4 giving the details of these two meters against which charges of Rs. 600.00 has been accepted by the Respondent BEST Undertaking on account of these meters got damaged. Besides it, it is pertinent to observe that a submission dtd. 26/03/2012 under the signature of DECC(G/N) placed on file by the Respondent BEST Undertaking at Exhibit 1/C, clearly manifest that the inspection of the premises was carried out on 18/02/2012 to learn that the said two metes were burnt in fire and removed and in its place two new meters were provided to the complainant on 29/01/1992 with a separate account number.
- 12.0 It is further submitted that however, the earlier two meters viz. E882188 and O280686 were not deleted from Master Tape of Electronic Data Processing Dept. (for short EDP), resulted in forwarding bill of old account no. 781-118-087 along with bill of new account no. 781-118-115. The complainant has been regularly paying the bills under the new account number. Accepting the error on the part of Respondent BEST Undertaking not deleting the burnt meters from the Mater Tape of EDP Dept., it has been submitted candidly that the bill served on the complaint in the month of February 2012 is required to be waived before closing the account.
- 13.0 It is further significant to observe that below the submission under the signature of DECC(G/N) dtd. 26/03/2012 in the same line there has been remark passed by AECC(G/N). This Forum observes that this submission has been supported by the Ledger Folio placed before this Forum by the Respondent BEST Undertaking.
- 14.0 In the aforesaid observation and discussion, needless to observe that there is a merit in the complaint preferred before this Forum by the complainant and out of a sheer lapse and negligence on the part of BEST Undertaking, a bill for Rs. 9,21,965.00 in the month of February 2012 was served on the complainant, which is liable to be struck down being unsustainable in law and fact. Needless to state that the complaint is liable to be allowed. Accordingly we do so.

ORDER

1. The complaint no. N-G(N)-168-2012 stands allowed.
2. The Respondent BEST Undertaking has been restrained from claiming any electricity charges from the complainant in respect of meter no. E882188 and O280686 under account no. 781-118-087.
3. Copies be given to both the parties.

Absent
(Shri S M Mohite)
Member

(Shri M P Thakkar)
Member

(Shri R U Ingule)
Chairman