

| | | Date | Month | Year |
|---|------------------------|---------|-------|------|
| 1 | Date of Receipt | 12 | 08 | 2022 |
| 2 | Date of Registration | 12 | 08 | 2022 |
| 3 | Decided on | 20 | 09 | 2022 |
| 4 | Duration of proceeding | 39 days | | |
| 5 | Delay, if any. | — | | |

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. 22799528

Grievance No.GN-464-2022 dtd. 12/08/2022

NGP Industries Pvt. Ltd.

.....Complainant

V/S

B.E.S.&T. Undertaking

.....Respondent

Present

Chairman

Coram :

Shri S.A. Quazi, Chairman

Member

1. Smt. Anagha A. Acharekar, Independent Member
2. Shri S.S. Bansode, Technical Member

On behalf of the Respondent (1) : 1. Shri. P.A. Prabhu

On behalf of the Complainant : 1. Shri Premnath Gaonkar

Date of Hearing : 15/09/2022

Date of Order : 20/09/2022



(Mand'Karan)kar
Secretary
CGRF, BEST

Sum *Shri*
Mhorekar



Judgment

- 1.0 The grievance of the complainant is that the Respondent is demanding it to pay an amount of Rs. 91,725.76, which is pertaining to some other account bearing no. 741-435-021 pertaining to the consumer namely, Customer First Training and Techs to which the supply of electricity was disconnected on 04/10/2004 due to non-payment. The complainant has therefore requested in its complaint that the Respondent be directed to withdraw its demand of the alleged outstanding amount of Rs. 91,725.76 pertaining to the aforesaid other consumer. The complainant has also requested that the Respondent be directed to grant extension to the load of supply of electricity from 45.57 kw to 125 kw in respect of the complainant's a/c no. 202-021-943, as has been requested by the complainant.
- 2.0 The following points can be said not in dispute according to the parties.
- a) The complainant is registered consumer of electricity supply by the Respondent / Distribution Licensee / BEST Undertaking under the a/c no. 202-021-943. The complainant is provided electricity to the premises having address as 1st floor, Plot No. 386, Sane Guruji Building, Near Siddhivinayak Mandir, Swatantrya Veer Savarkar Marg, Prabhadevi, Mumbai - 400 025. Presently the load sanctioned to the aforesaid connection is 45.57 kw. The category of the said electric connection given to the complainant is commercial.
- b) The complainant has given an application to the Respondent for extension of the load of the supply of electricity from 45.57 kw to 125 kw. The said application bears no. 514204 dtd. 24/05/2022. Thereupon the Respondent issued a letter dtd. 21/06/2022 to the complainant to pay an amount of Rs. 12,000.00 toward connection fees and Rs. 200.00 towards online registration / processing fees. The said amount has been paid by the complainant for the aforesaid sanction of extension of the load. Then the Respondent served a final bill dtd. 27/07/2017 in respect of the consumer's a/c no. 741-435-021 pertaining to the consumer by name, Customer First Training and Tech regarding the premises R:0,F:1,W:_,P:386, Sane Guruji Building, Near Siddhivinayak Mandir, Swatantrya Veer Savarkar Marg, Prabhadevi, Mumbai - 400 025 indicating that an amount of Rs. 91,725.76 is outstanding amount pertaining to this account which has been closed on 27/07/2017.
- 3.0 The case of the complainant as stated by it in its complaint as well as stated by its representative in the course of hearing may be stated as under :



(Signature)
Secretary
CGRF, BEST

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- a) Pending the aforesaid application of the complainant for extension of load, the Respondent informed to the complainant that the complainant will have to pay outstanding of Rs. 91,725.76 pertaining to the aforesaid consumer by name, Customer First Training and Tech. According to the complainant, this consumer, Customer First Training Tech is not known to the complainant and the aforesaid outstanding amount does not belong to the complainant.
- b) The complainant made an enquiry with the Respondent and it was revealed that the meter no. M034034 of a/c no. 741-435-021 pertaining to the consumer by name Customer First Training and Tech was removed on 04/10/2004 due to non-payment of the bills. After further enquiry, it was revealed to the complainant that the Respondent has charged for 1206 units on average basis pertaining to the said account of Customer First Training and Tech on average basis for the period from February 2004 to October 2004 and before that 3150 units were charged in December 2003 when meter reading was noted as 34. It is submitted by the complainant that at the time of removal of said meter, the final reading was noted as 28 as per the record of the Respondent. According to the complainant it seems that the outstanding created for the amount of Rs. 91,725.76 is totally wrong and baseless and it is required to be scrutinized and reworked. The complainant had requested to the Respondent to give actual outstanding after deducting wrong billing as well as delayed payment charges and interest etc. if the complainant is required to pay it for getting extension of load. The complainant also informed to the Respondent that if it is worked out on actual reading noted at the time of removal of meter, the outstanding amount might be NIL. In the letter dtd.11/07/2022, the complainant also requested the Respondent to look into and instruct the concerns to rework the outstanding by considering final reading at the time of removal of meter as the meter might be idle or not in use after installation in the name of Customer First Training and Tech. In the said letter, the complainant also informed the Respondent that it is ready to pay if the arrears amount is less than Rs. 500.00 and such payment to be made by the complainant under protest. With such terms the complainant requested the Respondent to sanction the application for extension of load as applied and release the load accordingly.
- c) As the Respondent did not respond to the aforesaid request of the complainant made in letter dtd. 11/07/2022, the complainant has filed the instant complaint. In the complaint, the complainant has requested to direct the Respondent to withdraw the demand of the aforesaid outstanding amount of Rs. 91,725.72 pertaining to other consumer i.e. Customer First Training and Tech under a/c no. 741-435-021. In the instant complaint, it is also requested that the Forum may kindly direct the Respondent to release the extension of load to the complainant's electric connection under a/c no. 202-021-943 as per their application dtd. 04/05/2021.




(H. S. Karanjkar)
Secretary
CGRF BEST


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- 4.0 The Respondent / Distribution Licensee / BEST Undertaking has filed its reply in response to aforesaid grievance application of the complainant. In the reply, the Respondent has submitted that the complainant has no case of any legal and valid grievance which can be entertained by this Forum. In its reply and in the submissions of the representative of the Respondent, this case put forth by them may be stated as under :
- a) The application of the complainant for extension of load dtd. 24/05/2022 was sanctioned by the Respondent on 21/06/2022 and ESL-4 letter was issued to the complainant for making the necessary compliances which included payment of old dues amounting to Rs. 91,725.76 pertaining to the old consumer bearing a/c no. 741-435-021, meter no. M034034 in the name of the consumer by Customer First Training and Tech.
- b) As per the record of CIS maintained by the Respondent, it is revealed that Customer First Training and Tech was consumer of the electricity supplied by the Respondent under a/c no. 741-435-021 through meter no. M034034. This meter was installed for the aforesaid consumer on 24/07/2003 at the premises situated at 1st floor, Plat 386, Swatantrya Veer Savarkar Marg, Prabhadevi, Mumbai - 400 025. The said meter of the consumer under a/c no. 741-435-021 was removed on 04/10/2004 for non-payment of electricity charges.
- c) According to the Respondent, the aforesaid meter no. M034034 was installed on the aforesaid date. After installation, the meter reading units were not progressive. As there was no information of the premises not being occupied or there was no consumer for the said period, the computer system maintained by the Respondent generated average consumption of 630 units per month and it was considered for billing. After this also, the consumer of the said a/c no. 741-435-021 did not approach to the Respondent for any billing complaint. The said meter was removed on 04/10/2004 for non-payment of the bills. Now the outstanding amount as per the system maintained by the Respondent has become to the extent of Rs. 91,725.76. This amount includes Delayed Payment Charges (DPC) and Interest On Arrears (IOA) till date.
- d) According to the Respondent, the complainant NGP Industries in their letter dtd. 11/07/2022 have denied the presence or occupancy of Customer First Training and Tech in their premises unit on first floor, plot no. 386 as described from 29/07/2003 to 04/10/2004. It is submitted by the Respondent that however, the complainant has agreed to pay the old dues of M/s Customer First Training and Tech up to the amount of Rs. 500.00 under protest.



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(M. Karanjkar)
Secretary
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- e) According to the Respondent, as the complainant has applied for extension of load, the payment of the aforesaid outstanding amount is liable to be paid by the complainant. In view of this the Respondent has submitted in its reply that the complaint be dismissed.

5.0 We have heard the submissions of parties and noted their submissions as above. In view of the above submissions of the parties and case pleaded by them, the following points arise for determination, on which we record our findings as under, for the reasons to follow.

| Sr. No. | Points for determination | Findings |
|---------|---|---|
| 1 | Whether the complainant is liable to pay the outstanding of Rs. 91,725.76 pertaining to the consumer by name Customer First Training and Tech under a/c no. 741-435-021 ? | In Negative |
| 2 | What order is required to be passed by this Forum for disposal of the instant grievance complaint ? | The instant grievance complaint is allowed in terms of the operative order being passed herein below. |

6.0 We record reasons for aforesaid findings as under :

- a) We have examined the submissions of the parties together with their pleading and documents filed before this Forum.
- b) It is not a dispute that the complainant has already have electric connection under a/c no. 202-021-943 for the premises having address as described herein earlier. It is also not disputed that the complainant has applied for extension of load from 45.57 kw to 125 kw. Pending this application of the complainant, the Respondent has asked the complainant to pay an amount of Rs. 91,725.76 towards arrears of another consumer a/c no. 741-435-021 pertaining to consumer by name Customer First Training and Tech. We have noted the address of premises of the complainant as well as the aforesaid consumer M/s Customer First Training and Tech. As far as the consumer M/s Customer First Training and Tech is concerned the bill pertaining to it has address as R:0,F:1,W:_,P:386, Sane Guruji Building, Near Siddhivinayak Mandir, Swatantrya Veer Savarkar Marg, Prabhadevi, Mumbai - 400 025 as described herein earlier. The address of the premises of the complainant given in their bill is described as plot 386, Sane Guruji Building, near Siddhivinayak Mandir, Swatantrya Veer Savarkar Marg, Prabhadevi, Mumbai - 400 025. However, in the course of hearing both the parties have admitted that the premises of the complainant is situated on 1st floor of the said building. The Respondent's representative has submitted that the premises of the




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consumer by name M/s Customer First Training and Tech is also on 1st floor and the complainant has applied for extension of the load by mentioning its address as 1st floor and showing that its premises covers entire 1st floor therefore, has been submitted that the premises of the old consumer M/s Customer First Training and Tech is included in the premises of the complainant and therefore the complainant is liable to pay the arrears.

- b) However, the complainant's representative submitted that it has no concern with the said M/s Customer First Training and Tech. It is also submitted by him that the premises of the complainant does not cover the entire first floor. In view of such submissions of the parties, when we asked the representative of the Respondent as to whether it has entire record of sketch map pertaining to the premises of both the aforesaid consumer, he has failed to point out any such document from his record. Therefore, it is difficult to accept the contention of the Respondent that the premises of the complainant covers the entire first floor of the said building and it also covers the premises of the consumer by name M/s Customer First Training and Tech. In absence of any other such proof, we find that there is no any justification in demand of the Respondent to ask the complainant to pay the aforesaid outstanding amount of Rs. 91,725.76.
- c) In view of this we find that the complainant is not liable to pay the said amount and hence we have recorded negative finding on point no. (1). In view of negative finding on point no. (1), we hold that the instant grievance application of the complainant will have to be allowed and the Respondent will have to be directed to withdraw their demand made to the complainant to pay the aforesaid outstanding amount of Rs. 91,725.76 as a condition precedent for releasing the extended load as per its application.
- d) In these terms the instant grievance will have to be allowed and disposed off. Accordingly, we have answered point no. (2) hence, the complaint is allowed in following terms and we pass the following order.

ORDER

- 1.0 The grievance no. GN-464-2022 dtd. 12/08/2022 stands allowed.
- 2.0 The Respondent is directed to withdraw its demand made to the complainant to pay the outstanding of Rs. 91,725.76 pertaining to the earlier consumer M/s Customer First Training and Tech under a/c no. 741-435-021.



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(M. Karanjkar)
Secretary
CGRF, BEST

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- 3.0 The Respondent is directed to release the extension of load as applied by the complainant from 45.57 kw to 125 kw, if there is no other legal obstructions.
- 4.0 Copies of this order be given to all the concerned parties.

Same
(Shri. S.S. Bansode)
Technical Member

Anagha A. Acharekar
(Smt. Anagha A. Acharekar)
Independent Member

S.A. Quazi
(Shri S.A. Quazi)
Chairman



Milind Karanjkar
(Milind Karanjkar)
Secretary
CGRF BEST

