

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 N-GN-382-2019 dtd. 08/05/2019

Shri Hazrat Ali Mohd ShamiComplainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Chairman

Quorum : Shri V. G. Indrale, Chairman

Member

1. Shri K. Pavithran, Member
2. Dr. M.S. Kamath, Member CPO

On behalf of the Respondent : Smt. Manisha Daware, Supdt. CC(G/N)

On behalf of the Complainant : 1. Shri Shamshad Ahmed S. Shaikh

Date of Hearing : 28/06/2019

Date of Order : 05/07/2019

Judgment by Shri. Vinayak G. Indrale, Chairman

Shri Hazrat Ali Mohd Shami, GNMA-117, Ground floor, Dabbawala Compound, Dharavi Main Road, Dharavi, Mumbai - 400 017 has come before the Forum for dispute regarding recovery of outstanding amount of Rs. 14,04,526.91 standing in the name of Khan Sabrunnisa M Salim pertaining to a/c no. 781-200-035 at the time of reconnection of electric supply vide requisition no. 392706 dtd. 08/02/2019.

Complainant has submitted in brief as under :

The complainant has approached to IGR Cell dtd. 20/02/2019 received on 25/02/2019 for dispute regarding recovery of outstanding amount of Rs. 14,04,526.91 standing in the name of Khan Sabrunnisa M Salim pertaining to a/c no. 781-200-035 at the time of reconnection of electric supply vide requisition no. 392706 dtd. 08/02/2019. The complainant has approached to CGRF in schedule 'A' dtd. 03/05/2019 received by CGRF on 07/05/2019 as the complainant was not satisfied by the remedy provided by the IGR Cell of Distribution Licensee on his grievance.

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

- 1.0 Shri Hazrat Ali Mohd Shami came before the Forum regarding his dispute about recovery of outstanding amount of Rs. 14,04,526.91 Standing in the name of Khan Sabrunnisa M Salim pertaining to a/c no. 781-200-035 at the time of reconnection of electric supply vide requisition no. 392706 dtd. 08/02/2019.
- 2.0 Initially, this is a case about transfer of electricity dues amounting to Rs 13,52,724/- standing in the name of Shri Jamil Salim Khan having A/c 781-200-003*8 into A/c 781-200-035 standing in the name of Shri Khan Mohd Salim in July 2012. The meter pertaining to this a/c was removed in the year 2009.
- 3.0 Earlier Shri Khan Mohd Salim had applied for reconnection of electric supply and he was asked to repay the arrears of earlier occupier of the premises. Then he raised the objection for the same and lodged complaint in Annexure "C" then Schedule "A". His complaint was registered as complaint no. N-G(N)-265-2015 dated 23/07/2015. The Forum has given order in this case on 07/09/2015. Forum's order was not compiled by then complainant.
- 4.0 Total arrears amount has increased to Rs 36,69,435/- as on November 2018. Vide Amnesty Scheme 2018, the complainant was asked to pay only energy charges of Rs 14,04,256.91/- prior to 31-03-2019. The complainant has not paid the same. At present Amnesty Scheme 2018 is not in force.
- 5.0 As the case was heard vide complaint no N-G(N)-265-2015 dated 23/07/2015. The Forum may dismiss the complaint.

REASONS

- 1.0 We have heard the argument of Shri Shamshad Ahmed S. Shaikh representative of the complainant and for the Respondent BEST Undertaking Smt. Manisha Daware, Supdt. CC (G/N). Perused the documents filed by either parties to the proceeding.
- 2.0 The complainant has vehemently submitted that he has purchased the premises for which he has applied for electric supply in the year 2017 and therefore action of the Respondent BEST Undertaking directing him to pay the arrears of earlier occupier is illegal. Against this the Respondent BEST Undertaking has submitted that already Shri Khan Mhod. Salim has filed grievance no. N-GN-265-2015 in respect of the electric supply at the same premises and the Forum had finally disposed off the said grievance on 07/09/2015 and therefore this grievance cannot be entertained in view of

doctrine of resjudicata as well as Regulation 6.7(c) of 2006. We think it just and proper to reproduce the Regulation 6.7(c).

6.7 The Forum shall not entertain a Grievance:

(c) unless the Forum is satisfied that the Grievance is not in respect of the same subject matter that has been settled by the Forum in any previous proceedings.

3.0 The Regulation 6.7 is incorporated with a view to prevent of multiplicity of litigation and it is based on principle of resjudicata as enumerated under section 11 of CPC. Thus the complainant has stepped in the shoe of Shri Khan Mohd. Salim who was the complainant in grievance no. 265 of 2015 and therefore the decision given in the said grievance on 07/09/2015 is binding upon the complainant.

4.0 Having regard to the above said legal position, we do not find any substance in the complaint as the grievance has been already ad-judicated by the Forum in grievance no. 265 of 2015. Thus the complaint deserves to be dismissed.

ORDER

1.0 The grievance no. N-GN-382-2019 dtd. 08/05/2019 stands dismissed.

2.0 Copies of this order be given to the concerned parties.

Sd/-

(Shri K. Pavithran)
Member

Sd/-

(Dr. M.S. Kamath)
Member

Sd/-

(Shri V.G. Indrale)
Chairman