

		Date	Month	Year
1	Date of Receipt	27	08	2021
2	Date of Registration	01	09	2021
3	Decided on	31	01	2022
4	Duration of proceeding	152 days		
5	Delay, if any.	92 days		

**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-440-2021 dtd.01/09/2021**

Shri Mukhtar Rehmatullah .....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  
(Absent due to ill-health)
2. Shri S.S. Bansode, Technical Member

On behalf of the Complainant : 1. Shri Shaikh Abdul Rehmatullah

On behalf of the Respondent (1) : 1. Smt. Pramila Nikale

Date of Hearing : 20/01/2022

Date of Order : 31/01/2022

## Judgment

- 1.0 This complaint/application was received on 27/08/2021 and registered on 01/09/2021 in the office of the Forum. However, due to pandemic of Covid-19, lockdown was declared by the Government from 23/03/2020 onwards and it was extended from time to time and subsequently the guidelines were issued by MERC in that respect. The complainant was not ready for hearing through Video Conferencing. On 22/11/2021, the complainant sought adjournment on the ground of serious illness of his sister. For these reasons, the matter could not be heard for long period. Now the lock down conditions have been relaxed to some extent. Therefore, the matter was fixed for hearing physically on 20/01/2022. Accordingly, the matter was heard on 20/01/2022 and was reserved for passing judgment. Hence, now the judgment is being given. For these reasons the matter could not be decided within the time prescribed by the MERC Regulations. Therefore, the delay of 92 days has occurred in deciding this complaint.
- 2.0 The complainant has grievance about high bill pertaining to his consumer a/c no. 781-005-627. The case of the complainant may be stated as under :
  - a) The complainant is the consumer of a/c no. 781-005-627. This electric connection is in the premises situated at the address mentioned in the electric bill pertaining to the said account at the ground floor, Plot no. 1, Navrang compound, Patra Shed , Dharavi Main Raod, Mahim Railway Station, Dharavi, Mumbai - 400 017.
  - b) The complainant received the electric bill pertaining to the said a/c no. 781-005-627 dtd. 30/09/2020 for Rs. 12,13,080.00. The complainant enquired about the high billing to the Customer Care Dept. of the Respondent / Licensee. He came to know that the aforesaid additional amount has been added in his bill pertaining to the consumer account situated in the neighboring premises of the complainant which was pertaining to one Shri Shamshudjama Shaikh who is the brother of the complainant. On 22/03/2021 the complainant gave the complaint to the concerned IGRC of the Respondent Undertaking. Then on 07/06/2021, the Respondent informed about date of hearing in the IGRC. On the date of hearing i.e. 22/06/2021 when the complainant was present, it was told to him that the amount mentioned in the bill will have to be paid by the complainant. According to the complainant, when the meter of the neighboring premises of Shri Shamshudjama Shaikh was removed, the amount of Rs. 1,50,000/- was due. Therefore the said demanded amount is high according to the complainant. Hence the complainant through his representative has filed this complaint. In this complaint before this Forum, it is also mentioned that the Respondent be directed to exempt the Delayed Payment Charges and interest on arrears. If this demanded amount can be reduced under any Amnesty Scheme, the same be reduced and installment facility be given for payment. This was the prayer made in this complaint.

- 3.0 The Respondent has appeared before this Forum by filing reply and opposing the prayer made by the complainant in his complaint filed before this Forum. The grounds for opposing the complaint mentioned by the Respondent in reply may be stated as under :
- a) The premises of the complainant and the premises of one Shri Shamshudjama Shaikh are adjoining. The connection given to the premises of Shri Shamshudjama Shaikh was under a/c no. 781-000-001, whereas, the connection given to the complainant's premises is under a/c no. 781-005-627. Both these premises are one and the same. The electric connection was given to the same premises under a/c no. 781-000-001 in the name of Shri Shamshudjama Shaikh having address as GMN/95/457, Ground Floor, Plot-1, Navrang Compound, Dharavi Mahim Rd., Mahim Rly. Stn. (East), Dharavi, Mumbai - 400 017 for commercial tariff. This meter was installed on 31/10/2012 by replacing old meter. Then again the meter was removed on 25/07/2016 due to non-payment of electricity bill of Rs. 7,91,140/- The payment was not made and therefore DP charges and interest on arrears were charged. Final bill was prepared on 13/12/2019 and total amount of arrears was informed as Rs. 12,13,080.12.
  - b) On 15/09/2019 for the premises of ground floor, Plot no. 1, Navrang Compound, Patra Shed, Dharavi Main Road, Mahim Rly. Stn. (East), Dharavi, Mumbai - 400 017, the complainant Shri Mukhtar Rehmatullah registered requisition under extension of load 19 kw under installation no. 772433, a/c no. 781-001-041 + change of name + shifting of meter from service no. 548149 to 2002504. At the time of site inspection on 16/10/2019 for the aforesaid requisition, it was observed that the premises had two parts with partitions of plywood. This premises was not qualified. This was informed to the applicant Shri Mukhtar Rehmatullah to build the brick wall to make the premises qualified. The applicant constructed the wall in between and made the premises qualified. After that meter was sanctioned, requirement of extension of load and shifting of meter was carried out by replacing the single phase to three phase on 08/01/2010 along with change of name which was also carried out from Farahat Samad Shaikh to Mukhtar Rehmatullah for the applied premises. The said inspection report along with sketch produced by the Respondent before this Forum along with this reply.
  - c) While scrutinizing the record of a/c no. 781-000-001 it was observed that ID no. 1917416 was registered for high bill complaint on 25/09/2014. While attending this complaint, it was found that supply was not through meter no. L110802 which was sanctioned for a/c no. 781-000-001 but supply was used through meter no. N109732 of complainant's a/c no. 781-005-627. On the basis of this investigation, cr/dr was carried out on 01/11/2016 and credit of Rs. 1,50,543.67 was given for a/c no. 781-000-001. On 01/09/2020 the site inspection was carried out for the premises of Shri Shamshudjama Shaikh to recover the arrears pertaining to his account and it was noticed that the premises was having electric supply through the complainant's meter no. M167660 and a/c no. 781-005-627. Accordingly, notice dtd. 03/09/2020 was served on Shri Shamshudjama Shaikh and the complainant Shri Mukhtar Rehmatullah stating that the amount of Rs. 12,13,080.12 was due pertaining to the a/c of Shri

Shamshudjama and if it is not paid the same will be debited to the complainant's a/c 781-005-627. As the payment was not made, the said amount was debited to the complainant's account.

- d) Thus the Respondent submits that the aforesaid dues pertaining to Shri Shamshudjama Shaikh having a/c no. 781-000-001 was liable to be paid by the complainant and hence the action of the Respondent is legal and proper. Therefore, the complaint is to be dismissed.

- 4.0 In the course of hearing, it was found that the complainant had expressed inclination to pay the amount of dues if and DP charges, are excluded or reduced. Therefore, the parties were given some time for considering whether the matter can be disposed off by amicable settlement. The complainant made written request to the Respondent accordingly. The Respondent then considered the said request. The Respondent has filed their proposal before this forum on 20/01/2022 in writing which mentions the term as under :

"The consumer has submitted a letter dtd. 10/01/2021 in which it is mentioned that the consumer Mukhtar Rehmatullah has agreed to pay the outstanding arrears of Rs. 7,91,140.00 in installments of Rs. 50,000.00 per month."

- 5.0 Thereafter, the matter was adjourned for the reply of the complainant on the said proposal. On 20/01/2022, the Respondent has filed application and submitted that the complainant has accepted the terms of the proposal mentioned in the aforesaid para by the Respondent. The Respondent has produced before this Forum the said written willingness of the complainant submitted by the complainant to the Respondent. In the said written willingness addressed to the Respondent, the complainant has submitted that he accepts the proposal of the Respondent about payment of the dues in installments of Rs. 50,000.00 per month. On 20/01/2022, the Respondent's representative has filed application mentioning that the complaint may be disposed off in terms of the aforesaid proposal of the Respondent and acceptance thereof by the complainant in his letter dtd. 15/01/2020 produced before this Forum. It may be noted that the Respondent has reduced the due amount to Rs. 7,91,140.00 by exempting DP charges and interest and then this amount may be paid by the complainant in monthly installments of Rs. 50,000.00 each. The complainant's representative has also accepted these terms by filing an application before this Forum on 20/01/2022. In view of these contentions of the parties, we hold that the matter may be disposed off in the following terms :-

- i) the due amount is Rs. 7,91,140/-.
- ii) the complainant shall pay this amount in monthly installments each of Rs. 50,000/-.
- iii) If the complainant commits default, the Respondent shall be entitled to recover the defaulted installment by imposing simple interest on the defaulted installment at the rate of 8 % p.a.

6.0 In these terms the complaint may be disposed off, hence we pass the following order.

**ORDER**

1.0 The grievance no. N-GN-440-2021 dtd.01/09/2021 stands disposed off in following terms.

- i) The complainant shall pay the due amount Rs. 7,91,140/-.
- ii) The complainant shall pay this amount in monthly installments each of Rs. 50,000/-.
- iii) If the complainant commits default, the Respondent shall be entitled to recover the defaulted installment by imposing simple interest on the defaulted installment at the rate of 8 % p.a.

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

Sd/-

(Shri. S.S. Bansode)  
Technical Member

Sd/-

(Shri S.A. Quazi)  
Chairman