

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

Representation No N-GS-366-2018 dtd. 28/08/2018

Shri Bilal K. PinjarComplainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Chairman

Quorum : Shri V. G. Indrale, Chairman

Member

1. Dr M.S. Kamath, Member, CPO

On behalf of the Respondent : 1. Shri K.A. Loke, Dy.Engr. CC(G/S)
2. Smt. S.P. Ojale, Sup(P), CC(G/S)

On behalf of the Complainant : 1. Shri K.B. Pinjar

Date of Hearing : 25/09/2018

Date of Order : 12/10/2018

Judgment by Shri. Vinayak G. Indrale, Chairman

Shri Bilal K. Pinjar, Room No. 71, Bldg. No. 62, Worli BDD Chawl, Worli, Mumbai - 400 018 has come before the Forum for refund of electricity bill paid under the a/c no. 548-364-034 of Shop at Gawade Market, J.M. Bhosale Marg, Worli Naka, Mumbai - 400 018.

Complainant has submitted in brief as under :

The complainant has approached to IGR Cell on 29/06/2018 dispute regarding refund of arrears of electricity bill paid at the time of new connection of electric supply. The complainant has approached to CGRF in schedule 'A' dtd. 20/08/2018 received by CGRF on 20/08/2018 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 The complainant came before the Forum regarding his dispute about refund of outstanding amount of Rs. 4215 paid towards electricity bill pertaining to a/c no. 548-364-034 on 11/09/2017.
- 2.0 The electric supply was given to the complainant's premises under reference in the name of Kamrunisa Kasim Pinjar through meter no. D903574 for commercial purpose. The consumer had given request letter dtd. 04/01/2013 for disconnection of electric supply for the reason of re-development of shop. Accordingly, the meter was removed on 10/01/2013.
- 3.0 After re-development of shops by the developer, electric supply was given in the name of Shri Bilal K. Pinjar through meter no. C140562 for commercial purpose having a/c no. 548-364-034 from 10/03/2015. At the time of application for reconnection of electric supply, the consumer had submitted allotment letter / NOC from builder along with other relevant documents. No electricity consumption was recorded by the meter upto its removal on 22/03/2016. The electricity bills generated includes only fixed charges and electricity duty. This meter was removed on 22/03/2016 for non-payment of electricity duty amounting to Rs. 3820.00 as on March 2016.
- 4.0 The final bill of this account was processed on 24/08/2017 and net outstanding amount of Rs. 4214.49 was generated after adjusting security deposit. This outstanding amount has been paid by the complainant on 11/09/2017 while sanctioning new electricity connection. The charges levied are legitimate charges and cannot be refunded.

REASONS

- 1.0 We have heard the arguments of the complainant's representative who is a father of the complainant and for the Respondent BEST Undertaking Shri K.A. Loke, Dy.Engr. CC(G/S) and Smt. S.P. Ojale, Sup(P), CC(G/S). Perused the documents filed by either parties to the proceedings. The Respondent BEST Undertaking has filed written statement along with documents marked at Exhibit 'A' to 'H'.
- 2.0 The representative of the complainant has vehemently submitted that for getting electric supply for the year 2015, the society had not given No Objection so the said electric connection is invalid. He has further submitted that the complainant has not consumed any electric supply through meter no. D194616 and only minimum charges were levied and therefore he was not liable to pay the electricity charges. The representative of the complainant has further submitted that the complainant has not

applied for previous electricity connection on 06/02/2015 for which the meter no. 194614 was installed. The Respondent BEST Undertaking submitted that it was the complainant who had applied for electricity connection on 06/02/2015 and the said application was processed and thereby electricity connection was given to him. It is further submitted that the complainant has applied for the documents of earlier electricity connection by filing an application under RTI and they have provided all the documents to the complainant. These documents are placed at pg. 37//C to 43/C.

- 3.0 The Respondent BEST Undertaking has submitted that already without any protest the complainant has deposited arrears of electricity amount for old a/c 548-364-034 while getting electricity connection in the year 2018. Thus according to the Respondent BEST Undertaking, as per Regulation 6.8, the complainant has no right to claim refund of arrears of electricity deposited by him while getting the new electricity connection.
- 4.0 Having regard to the above said submission we have cautiously gone through the record more particularly record pertaining to previous electricity connection having a/c no. 548-364-034 and it appears that it is the complainant Shri Bilal Pinjar who had applied for electricity supply by filing application in prescribed proforma appearing his photograph and said application is dtd. 06/02/2015. It is pertinent to note that the complainant has also filed Indemnity Bond dtd. 02/03/2015. We have cautiously gone through the signatures appearing on Indemnity Bond as well as on application for supply of electricity dtd. 06/02/2015 and same are of the complainant and identical to the signature made on Schedule 'A'. The complainant has also filed application for supply dtd. 09/08/2017 and Indemnity Bond dtd. 06/09/2017. Signatures made on the above said two documents are identical with the signatures made on previous application for supply of electricity and Indemnity Bond.
- 5.0 Considering all these aspects coupled with the clause 2.9 of Conditions of Supply it can be very well presumed that the representation submitted by Shri Bilal Pinjar has been processed in accordance with law. If the complainant has no grievance in that regard he has right to take any proper action against the so called person who had applied for previous electricity connection illegally. We have gone through the Regulation 6.8 of MERC (CGRF & EO) Regulation 2006. We think it just and proper to reproduce the same.

6.8 If the Forum is prima facie of the view that any Grievance referred to it falls within the purview of any of the following provisions of the Act the same shall be excluded from the jurisdiction of the Forum.

- (a) *Unauthorized use of electricity as provided under section 126 of the Act.*
- (b) *xxx xxx xxx*
- (c) *xxx xxx xxx*
- (d) *recovery of arrears where the bill amount is not disputed.*

- 6.0 As per Regulation 6.8 (d) in the instant case the complainant did not dispute the electricity bill for earlier connection which has been disconnected due to non-payment of electricity bill. The complainant when applied for new electricity connection, the Respondent BEST Undertaking directed him to pay the earlier arrears of electricity and accordingly he paid the same amount without any protest. If viewed from this angle it appears that the complainant did not dispute the recovery of earlier arrears of electricity connection. If this would be the case then in any case the complainant is not entitled to get refund of electricity arrears of Rs. 4,214.00.
- 7.0 Having regard to the above said discussions, we do not find any substance in the complaint. On the contrary the relief claimed by the complainant is barred by Regulation 6.8 (d) thus the complaint deserves to be dismissed, accordingly we pass the following order.

ORDER

- 1.0 The complaint no. N-GS-366-2018_ dtd. 28/08/2018 stands dismissed.
- 2.0 Copies of this order be given to both the parties.

Sd/-

(Dr. M.S. Kamath)
Member

Sd/ -

(Shri V.G. Indrale)
Chairman