

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. 22853561

Representation No. N-FN-354-2018 dtd. 27/04/2018

Mr. Deepak MehtaComplainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Chairman

Quorum : Shri V. G. Indrale, Chairman

Member

1. Shri S.V. Fulpagare, Member
2. Dr M.S. Kamath, Member, CPO

On behalf of the Respondent : 1. Shri Pravin Krishna Prabhu, AE CC(F/N)
2. Shri D.K. Lambhate, AAM CC(F/N)

On behalf of the Complainant : 1. Shri Suresh Laxman Ghag

Date of Hearing : 07/06/2018

Date of Order : 07/06/2018

Judgment by Shri. Vinayak G. Indrale, Chairman

Mr. Deepak Mehata, Ground floor, Block - L, Ranjit Studio, Dadasaheb Phalke Marg, Dadar (E), Mumbai - 400 014 has come before the Forum for dispute regarding dispute regarding debiting Rs. 2,22,592.00 of Mr. H.D. Mistry in a/c no. 581-456-017 for the month March 2004.

Complainant has submitted in brief as under :

The complainant has approached to IGR Cell on 11/12/2017 dispute regarding dispute regarding debiting Rs. 2,22,592.00 of Mr. H.D. Mistry in a/c no. 581-456-017 for the month March 2004. The complainant has approached to CGRF in schedule 'A' dtd. 03/04/2018 received by CGRF on 12/04/2018 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 Deepak Mehta came before the Forum regarding his dispute about debiting Rs 2,22,592.29 pertaining to Shri H D Mistry in the bill of M/s K & M Film having a/c 581-456-017 for the month March 2004.
- 2.0 On scrutiny of records , it was observed that a/c 581-456-017 was standing in the name of M/s K & M Film. In March 2004, an amount of Rs 2,22,592.29 pertaining to Shri H D Mistry a/c 581-462-161 was debited in the bill of M/s K & M Film having a/c 581-456-017. Electric supply of a/c no. 581-456-017 was disconnected on 13/07/2004 for the reason of non-payment of electricity charges. At present details of both the accounts are not available.
- 3.0 During the investigation on 16/02/2018, it was observed that M/s K&M Film was located on the 1st floor and ground floor was taken over by M/s Art View and there is no premises found in the name of Shri H.D. Mistry.
- 4.0 The complainant Shri Deepak Mehta is a Manager, who is looking after affairs of the premises. Ranjit Studio is a huge premises which is divided in parts and given on rental basis.

REASONS

- 1.0 We have heard arguments of Shri Suresh Laxman Ghag, representative of the complainant and for the Respondent BEST Undertaking Shri Pravin Krishna Prabhu, AE CC(F/N) and Shri D.K. Lambhate, AAM CC(F/N). Perused the documents filed by either parties to the proceedings. The Respondent BEST Undertaking has filed the written statement along with the documents marked at Exhibit 'A' to 'E'.
- 2.0 We have cautiously gone through the record and it appears that electricity dues in the name of M/s K & M Film amounting to Rs. 3,39,110.00 has been disputed by one Shri Deepak Mehta who himself posses be to Manager of M/s Ranjit Studio. It is pertinent to note that Schedule 'A' in the column of Name of the consumer, he has shown is name as Shri Deepak Mehta, in column no. 2 address of the consumer is shown as Ground floor, Block - L, Ranjit Studio, D. Phalke Marg, Dadar (E) and in column no. 3, consumer no. is shown as 581-456-017*8. Considering the name on the electricity bill M/s K& M Film, it is expected that the Proprietor of M/s K & M Film ought to have filed this complaint. It is pertinent to note that Schedule 'A' does not depict as to whether Shri Deepak Mehta is filing the complaint in the capacity of Manager or having any authority issued by M/s K & M Film to raise the grievance.

3.0 In Annexure 'C', he has mentioned that he is looking after the premises named as M/s Ranjit Studio. If this would be the case, then question poses before the Forum is whether Shri Deepak Mehta has *locus-standi* to file the complaint or in other words whether Shri Deepak Mehta can be termed as consumer within the definition u/s 2 (15) of E.A., 2003. We think is just and proper to reproduce the definition of consumer u/s 2 (15) of E.A., 2003.

Consumer means any person who is supplied with electricity for his own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public under this Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a licensee, the Government or such other person as the case may be.

4.0 The definition of consumer as shown in Supply Code is the same as per definition given in Section 2(15) of E.a., 2003. Having regard to the definition of the consumer in any case it cannot be held that Shri Deepak Mehta is a consumer within definition of Section 2(15) of E.a., 2003. If this would be the case then certainly this Forum has no jurisdiction to entertain the grievance. It is pertinent to note that in written statement the Respondent BEST Undertaking has not taken any such plea but point of jurisdiction being the legal one, the Forum can certainly look into this aspect.

5.0 Having regard to the above said legal position this Forum has arrived at the conclusion that Shri Deepak Mehta not being a consumer as defined u/s 2(15) of E.a., 2003, this Forum has no jurisdiction to entertain this grievance. In view of this legal position we do not think it just and proper to discuss merit of the case as it will be futile efforts on our part. To discuss on merit will certainly cause prejudice to the concerned party who in future will approach the Forum for raising the grievance in respect of a/c no. 581-456-017*8. Thus we constrain not to discuss on the merit of the case. In result we dismiss the complaint by passing the following order.

ORDER

1.0 The complaint no. N-FN-354-2018 dtd. 27/04/2018 stands dismissed.

2.0 Copies of this order be given to three parties.

sd/-
(Shri S.V. Fulpagare)
Member

sd/-
(Dr. M.S. Kamath)
Member

sd/-
(Shri V.G. Indrale)
Chairman