

**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-E-300-2016 dtd. 29/06/2016.**

Shri Gurushant Bhimanna Kamble .....Complainant

V/S

B.E.S.&T. Undertaking .....Respondent

**Present**

**Chairman**

Quorum : Shri V. G. Indrale, Chairman

**Member**

1. Shri S.Y. Gaikwad, Member
2. Shri S.M. Mohite, Member, CPO

On behalf of the Complainant : 1. Shri Gurushant B. Kamble

On behalf of the Respondent : 1. Shri A.V. Naik, DECCE  
2. Shri D.H Chaudhary, AECC  
3. Shri P.V. Sutar, AAME

Date of Hearing : 11/08/2016

Date of Order : 25/08/2016

**Judgment by Shri. Vinayak G. Indrale, Chairman**

Shri Gurushant Bhimanna Kamble S/o Late Bhimanna N. Kamble, Plot no. 4, Gr. Flr, Coal Bunder, Hutment, New Tank Bunder Road, Mumbai - 400 010 has come before the Forum for dispute regarding reconnection of electric supply.

**Complainant has submitted in brief as under :**

The complainant has approached to IGR Cell on 26/11/2015 for dispute regarding reconnection of electric supply. The complainant has approached to CGRF in schedule 'A' dtd. NIL (received by CGRF on 24/06/2016) 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 :**

- 2.0 The complainant Shri Gurushant Bhimanna Kamble came before the Forum regarding his dispute about reconnection of electric supply.
- 3.0 The electric supply was given to the premises reference for residential purpose in the name Bhimanna Nandu Kamble through meter number 0607322, A/C Number 768-136-119 from 29/04/1997. On 11/02/2005 meter number 0607322 found burnt. Meter number 0607322 was replaced by meter number C042985. This meter was removed on 26/10/2007 for non payment of arrears of Rs 55,516.18. This amount has increased to Rs 1,49,230/- as on June 2016 due to levy of delay payment charges and penalty interest.
- 4.0 On 25/05/2015 vide application No 208023, Smt Madhavi Bhimrao Kamble had applied for reconnection of electric supply pertaining to A/C 768-136-119. Her application was sanctioned on 02/07/2015 and asked her to pay outstanding amount. This application was automatically cancelled on 31/08/2015 due to non compliances of terms of sanctioning letter.
- 5.0 In Annexure C dated 26/11/2015, the complainant had mentioned that, " Electric meter was standing in his late father's name. As on June 2015, the bill amount increased to Rs 1,38,00/- ". He further stated that he is not capable to pay the same and asked for some concession in the bill. The proposal for waival of Delay Payment Charges and interest was rejected by the Management. Same was informed to the complainant vide letter dated 17/06/2016.
- 6.0 As per regulation 10.5 of MERC (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005, the complainant is legal heir and he is liable to pay entire amount.

**REASONS**

- 7.0 We have heard the argument of the complainant in person and for the Respondent BEST Undertaking at length. Perused the documents placed on record by either party to the proceeding. We wish to refer the documents at Exhibit 15/C which is the letter dtd. 05/02/2016 addressed to the Customer Care 'E' ward for waival of DP and interest charges of a/c no. 768-136-119. After perusal of the said letter it appears that the concerned IGRC as in para 5 & 6 of the letter noted down the instance of waival of DPC and interest in the year 2013 & 2014. It reveals that inspite of these two instances referred by IGRC in the said letter, the Audit Dept. vide letter dtd. 07/04/2016 at Exhibit 17/C rejected the said proposal of the consumer on the ground that there are no guidelines issued in this respect by GM.

- 8.0 After going through the documents filed by the complainant the present matter found by us is regarding grievance of charging DPC and interest on arrears of electricity charges due on the date of removal of meter. The complainant has vehemently submitted that his father was residing in the said one room which is just like having a structure of hut and he died in the year 2007 and he had no knowledge about the said electricity dues. He has further submitted that some other persons committed the theft of electricity by putting a wire in the connection and thereby the electricity bill is increased. We find some substance in his contention as if we perused the meter ledger folio since 1997 till the removal of meter it appears that for initial period of almost for about 8-9 years the units consumed shown as zero and minimum bill of Rs. 50.00 per month has been issued. It appears that after removal of the old meter the units is increased in between 500-1250 for the period since November 2005 till October 2007.
- 9.0 The Respondent BEST Undertaking has not placed on record any documents regarding sanctioned load and equipments which the consumer had installed in one room. Considering the said meter ledger folio, it appears that the Respondent BEST Undertaking has waited for longer period about 2 ½ years for removal of meter. It was obligatory on the part of the Respondent BEST Undertaking, when the arrears of electricity has not been paid by the consumer then at least they have to disconnect the electricity supply within six months. That has not been done by the Respondent BEST Undertaking which has resulted into the accumulation of arrears along with DPC and interest due on the date of removal of meter. The said amount appears to be Rs. 55,516.18. This amount includes DPC levied from November 2005 to October 2007 i.e. date of removal of meter. The record goes to show that the complainant has filed application dtd. 08/01/2016 requesting IGRC to waive DPC and interest and shown readiness to pay the amount due on the date of removal of meter. In view of this application filed by the complainant, the IGRC by letter dtd. 05/02/2016 sent proposal to the higher authority for approval of waiver of DPC and interest and same has been turned down as there is no Procedure Order like that of Procedure Order No.164 issued on 17/03/2009.
- 10.0 The complainant has submitted that his financial condition is very weak and he is living below poverty line and therefore requested to waive DPC and interest as someone had stolen the electricity and thereby he is liable to pay the dues. After going through the Annexure 'C' and Schedule 'A' it appears that the complainant requested to waive DPC and interest but after going through the documents filed by the Respondent BEST Undertaking it appears that mother of the complainant has filed application for reconnection and same is not proceeded due to non-payment of electricity dues. Thus this case covers by clause 10.5 of MERC (Electricity Supply Code and Other Conditions of Supply), Regulation 2005. We think it just and proper to reproduce Regulation 10.5.

*Regulation 10.5 - Any charge for electricity or any sum other than a charge for electricity due to the Distribution Licensee which remains unpaid by a deceased consumer or the erstwhile owner / occupier of any premises, as a case may be, shall be a charge on the premises transmitted to the legal representatives / successors-in-law or transferred to the new owner / occupier of the premises, as the case may be, and the same shall be recoverable by the Distribution Licensee as due from such legal representatives or successors-in-law or new owner / occupier of the premises, as the case may be :*

*Provided that, except in the case of transfer of connection to a legal heir, the liabilities transferred under this Regulation 10.5 shall be restricted to a maximum period of six months of the unpaid charges for electricity supplied to such premises.*

- 11.0 After perusal of the above Regulation 10.5 there appears to be some discrimination regarding payment of electricity dues by legal heir and purchaser of the property for which electricity connection was given. The provision of said regulation states that except in case of transfer of connection to legal heir the liabilities transfer under the Regulation 10.5 shall be restricted to maximum period of six months of the unpaid charges for electric supply to such premises. The Respondent BEST Undertaking has submitted that on 17/03/2009 the higher authorities have issued Procedure Order no.164 and thereby GM's approval to waive DPC and interest on arrears whose meter was removed prior to 01/10/2006 for non-payment i.e. the cut off date. If the higher authorities have passed PO keeping in mind to recover the arrears from the consumers then there is no hitch for the higher authorities to issue another PO and thereby huge amount of arrears will be recovered from the consumer. We are saying so because we have come across number of cases in which the electricity dues on the date of removal of meter is increased by double or triple of the dues in view of charging the DPC and interest. We wish to observe that the occupier or owner of the premises to whom electricity has been supplied and there are huge electricity dues then in natural course the occupier will tempt to transfer the property and thereby escape from the payment of whole electricity amount due.
- 12.0 Having regard to the above said reasons and considering the financial condition of the consumer who was minor at the time of death of his father, we think it just and proper to waive the interest and DPC on the arrears of electricity dues since the date of removal of meter and thereby he will get new connection either in his name or his mother's name.
- 13.0 Having regard to the above said reasons this Forum therefore finds that there was inordinate delay in removing the meter by the Respondent BEST Undertaking which has resulted into the huge arrears of dues which is consisting of DPC and interest. In considered view of this Forum, a fact emanating from this matter bluntly manifest that for the lapses and error on the part of the concerned officials of the BEST, the present complainant has suffered. Despite not consuming units as shown in the LF, the complainant is required to pay the bills including DPC and interest there on till the date of removal of meter. To mitigate the said hardship, this Forum finds every warrant and justification to waive DPC and interest levied on the charges of arrears to be paid by the complainant from the date of removal of electricity meter.
- 14.0 In the aforesaid observation and discussion we proceed to pass the following order.

#### **ORDER**

1. The complaint no. **N-E-300-2016** dtd. **29/06/2016** stands allowed as under.
2. The Respondent BEST Undertaking is hereby directed to waive DPC and interest and recover only electricity dues on the date of removal of meter which comes to Rs. 55,516.18.

3. The complainant is directed to deposit electricity dues of Rs. 55,516.18 within one month from the receipt of the order and then apply for change of name by filing application in prescribed format either in his name or in the name of his mother. In that case the Respondent BEST Undertaking is directed to give new electricity connection to the premises.
4. The Respondent BEST Undertaking is directed to comply the order within a period of two months from the date of receipt of the order.
5. Copies of this order be given to both the parties.

(Shri S.Y. Gaikwad)  
**Member**

(Shri S.M. Mohite)  
**Member**

(Shri V.G. Indrale)  
**Chairman**