

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. S-B-345-2017 dtd. 08/12/2017

The Mandvi Electric WorksComplainant

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 B.S. Kamble, AE CC(B)
2. Shri D.S. Bodke, AAM IGR CC(B)

On behalf of the Complainant : 1. Ms. Aarti R. Khamkar

Date of Hearing : 01/02/2018

Date of Order : 07/02/2018

Judgment by Shri. Vinayak G. Indrale, Chairman

The Mandvi Electric Works, Room no. 1, first floor, Lokhandwala Mala, Mandvi, 34/36, V.V. Chandan Street, Mumbai - 400 101 has come before the Forum for dispute regarding recovery of outstanding claim pertaining to a/c no. 409-555-001*5.

Complainant has submitted in brief as under :

The complainant has approached to IGR Cell on 14/07/2017 for dispute regarding recovery of outstanding claim pertaining to a/c no. 409-555-001*5. The complainant has approached to CGRF in schedule 'A' dtd. 04/12/2017 received by CGRF on 06/12/2017) as the complainant was not satisfied by the remedy provided by the IGR Cell of Distribution Licensee on its grievance.

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

- 1.0 The complainant Smt. Aarti R. Khamkar, Mandvi Electric Works came before the Forum regarding dispute about debiting of Rs. 10,872.81 towards claim no. 111-900-144 pertaining to a/c no. 409-555-001 in the bill of July 2017 and claim amounting to Rs. 1,48,676.04 towards claim no. 111-705-343.
- 2.0 On 24/12/1998 during vigilance raid, it was observed that, the complainant was using electric supply for commercial purpose i.e. goldsmith related business and shop for selling handkerchiefs. The electric supply was sanctioned for residential purpose and consumer was using it for commercial purpose. This amounts to unauthorized use of electric supply under section 126 of Electricity Act, 2003. An amendment of Rs. 10,872.81 (Rs. 7870.64 towards unauthorized use of electric supply and adjustment claim of Rs. 3,002.17) was preferred under proclain no. 111-900-144 for the period 30/04/1998 to 30/10/1998. The same was informed to the consumer and debited in bill of July 2017, after following due procedure.
- 3.0 As the claim had raised out of unauthorized use of electricity as per section 126 of Electricity Act 2003 and the Forum has no jurisdiction as per Regulation 6.8 (a) of MERC (CGRF & EO) Regulation 2006.
- 4.0 During routine inspection on 04/08/2003, consumer's meter no. O273567 found stopped. On 08/12/2003, meter no. O0273567 was replaced by meter no. B031949. Claim no. 111-705-343 amounting to Rs. 1,48,676.04 was preferred for the period 29/06/1999 to 08/12/2003 towards defective meter amendment as per Office Order 95 dtd. 23/06/1997. This claim was informed to the consumer. This claim was informed to the consumer vide letter dtd. 03/05/2010, 10/02/2011, 24/07/2013, 17/12/2013 and 21/03/2017.
- 5.0 As per Administrative Order 367 dtd. 16/05/2012 this proclain was revised to Rs. 7960.00 and same was informed to the complainant vide letter dtd. 28/07/2017, hence the complainant is liable to pay the same.

REASONS

- 1.0 We have heard argument of the complainant in person and for the Respondent BEST Undertaking B.S. Kamble, AE CC(B) and Shri D.S. Bodke, AAM IGR CC(B). Perused the documents filed by either parties to the proceedings. Perused the written submission filed the Respondent BEST Undertaking along with documents marked at Exhibit 'A' to 'G'.
- 2.0 The complainant has submitted that since beginning they are using the premises for workshop under name and style as "Mandvi Electric Works". The said workshop was

started by the grandfather Late Shri Baburao T. Khamker and continued under the proprietorship of Late Shri Ravindra D. Khamkar, the father of the complainant Ms. Aarti R. Khamkar. It is pertinent to note that in the complaint under Schedule 'A', it has been mentioned that the said premises has been used as workshop during 10.00 am to 7.00 pm and was used for residence after 7.00 pm. This itself shows that it was used for commercial purpose.

- 3.0 After going through the submissions it appears that the grievance of the complaint is for notice issued u/s 126 of Electricity Act, 2003 and another is in respect of proclain no. 111/705/343 in respect of defective meter. It reveals in respect of notice u/s 126 of E.A., 2003, the Respondent BEST Undertaking has inspected the said premises on 24/12/1998 and it was found that the electric supply was used for commercial purposed although the tariff charged for residential purpose. It reveals that during the vigilance check, the Respondent BEST Undertaking found that the complainant was unauthorizedly using the electricity for commercial purpose so the notice was issued and thereby amendment claim for Rs. 7,870.64 and adjustment claim of Rs. 3,002.17 for change in tariff under proclain no. 111/900/144 was initiated for the period from 30/04/1998 to 30/10/1998. Thus the case squarely falls u/s 126 of E.A., 2003 therefore the Forum cannot entertain it as per Regulation 6.8 of MERC (CGRF & EO), Regulation 2006.
- 7.0 As regards proclain no. 111/705/343 which is in respect of defective meter, it appears that during routine investigation on 04/08/2003 by Consumer Department (South), meter no. 0273567 found stopped and thereby said meter was replaced by meter no. B031949 on 08/12/2003 and as per Office Order, amendment bill of Rs. 1,48,676.04 for the period from 29/06/1999 to 08/12/2003 was prepared. It appears that as per Procedure Order no. 95 dtd. 23/06/1997 the said amendment bill of Rs. 1,48,676.04 for defective meter was revised to Rs. 7,960.00 as per Administrative Order no. 367 dtd. 16/05/2012. It appears that the said amount was continuously reflected in monthly electricity bill and therefore in any case it cannot be held that the said amount is barred by limitation.
- 8.0 Having regard to the above said submission, we do not find any substance in grievance of the complainant as first grievance is in respect of unauthorized use of electricity for commercial purpose as contemplated u/s 126 of E.A., 2003 and same cannot be entertained by the Forum. As regards second grievance in respect of amendment of defective meter although it is pertaining to the period of 29/06/1999 to 08/12/2003, the amount of amendment bill is continuously shown in electricity bill and therefore the said amount has not been barred by limitation. The complainant has already benefited by Procedure Order 95 dtd. 23/06/1997 and revised amendment bill comes to Rs. 7,960.00 as against amendment bill of Rs. 1,48,676.04. Thus the complaint deserves to be dismissed. In result we pass the following order.

ORDER

1. The complaint no. S-B-345-2017 dtd. 08/12/2017 stands dismissed.
2. Copies of this order be given to both the parties.

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

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

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