

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-A-315-2017 dtd. 03/03/2017

Microfibers Pvt. Ltd.Complainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Chairman

Quorum : Shri V. G. Indrale, Chairman

Member

1. Shri S.V. Fulpagare, Member
2. Shri S.M. Mohite, Member, CPO

On behalf of the Complainant : 1. Shri Niyam Bhasin

On behalf of the Respondent : 1. Shri N.V. Bhandari, DECC(A)
2. Shri V.S. Khole, AE CC(A)
3. Shri M.A. Bhosale, Sup (P)

Date of Hearing : 26/04/2017

Date of Order : 02/05/2017

Judgment by Shri. Vinayak G. Indrale, Chairman

Microfibers Pvt. Ltd.,9/4 Bradys Flats, Sorab Bharucha Rd., Colaba, Mumbai - 400 005 has come before the Forum for dispute regarding removal of meter pertaining to a/c no. 252-055-023.

Complainant has submitted in brief as under :

The complainant has approached to CGRF in schedule 'A' dtd. 20/02/2017 (received by CGRF on 23/02/2017) for dispute regarding removal of meter pertaining to a/c no. 252-055-023.

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

- 2.0 The complainant, Micro Fibers Pvt Ltd came before the Forum regarding its dispute about disconnection of electric supply for non-payment of dues on 03/02/2016 of meter number G033545, A/C No 252-055-023 for which no notice of any nature was served upon him.
- 3.0 The complainant had not registered its grievance in Annexure " C " Format with Internal Grievances Redressal Cell of the ward. Instead of that, the complainant had approached to Hon'ble Electricity Ombudsman vide its representation in Schedule B format dated 10/10/2016. Since its grievance was not decided either by Internal Grievances Redressal Cell (IGRC) or the Consumer Grievances Redressal Forum Cell (CGRF), the officials of The Hon'ble Electricity Ombudsman asked the complainant to file his representation in Schedule " A " format before the CGRF.
- 4.0 The electric supply connection having the consumer No. 252-055-023 stands in the name of Micro Fibers Pvt Ltd. The consumer is not paying electricity dues in time / regularly. The electricity bills are being paid once in a 2/3 months. The bill amount paid in the month Oct 2015 was Rs 12,880/-. Since the bills were not paid in next 3 months, disconnection notices were served on 09/12/2015 & 07/01/2016 for non- payment of electricity dues. Vide these notices the consumer was informed "to pay electricity dues within 15 days from the receipt of these notices, failing which its electric supply to the above meter will be disconnected / meter will be removed without further notice as per provision of section 56(1) of E.A., 2003." Since the complainant has not paid the electricity dues , its electricity supply was disconnected on 03/02/2016. The complainant had paid electricity dues of Rs 11,763/- by cheque on 03/02/2016 and his electric supply was reconnected on 04/02/2016.
- 5.0 Mr. Niyam Bhasin , Advocate had lodged a general complaint on 05/02/2016, where as our registered consumer is Micro Fibers Pvt Ltd. Since the complaint was not in Annexure " C " format, it was not routed through IGRC. This complaint letter was directly sent to concerned section. Only facts were verified and found correct , as the complaint was received after reconnection of electric supply.
- 6.0 The consumer had sent e-mail dated 10/05/2016 addressed to CGRF in Schedule "A" format. This e-mail was forwarded by CGRF to IGRC of Customer Are 'A' ward. A suitable reply was given by the AAM(IGR) CC A to the complainant through e-mail on 12/05/2016.
- 7.0 In this matter the BEST Undertaking has rightfully followed all the rules as per E.A., 2003. Since the lapses were from the complainant's side like bills not being paid regularly and ignoring disconnection notices. BEST is neither liable for all the consequences faced by the complainant nor liable to pay any compensation to the complainant.

REASONS

- 8.0 We have heard the Director of the complainant in person and for the Respondent BEST Undertaking Shri N.V. Bhandari, DECC(A), Shri Khole, AE CC(A) and Shri Bhosle, Sup(P). CC(A). Perused the documents placed before us.
- 9.0 Shri Bhasin, Director of the complainant has submitted that the Respondent BEST Undertaking without following process of law and without giving notices of disconnection cut off the electric supply and therefore he is entitled to get damages of Rs. 10,000.00 from the Respondent BEST Undertaking. Shri Bhandari has submitted that the consumer was not paying the electricity bill regularly. The bills were being paid once in two to three months. He has further submitted that Rs. 11,702.17 was due towards the electricity dues from the complainant for three months. Thus according to him the Respondent BEST Undertaking had given two disconnection notices i.e. on 09/12/2015 and 07/01/2016 to the complainant, who inspite of service of notices failed to pay the electricity dues and therefore after 26 days of serving of second notice on dtd. 07/01/2016, they have disconnected the electricity connection of the complainant. He has further submitted that after payment of electricity dues the Respondent BEST Undertaking has restored the electricity connection within 24 hours of disconnection and therefore there is no contravention of SOP. Shri Bhandari has further submitted that the complainant has not approached IGRC and therefore the complaint itself is not maintainable as per Regulation 6.7 of MERC (CGRF & EO) Regulation, 2006.
- 10.0 Having regard to the above said submissions we have cautiously gone through the record and it is crystal clear that the total amount of Rs. 11,702.17 was due towards electricity dues from the complainant for three months. The Respondent BEST Undertaking has placed on record Exhibit 'I' showing arrears towards electricity dues for the month of December 2016 and January 2017 from the complainant. We have perused the Exhibit 'H' which depicts that the electricity bill along with disconnection notices were served on the complainant. We are saying so because the concerned person distributed the electricity bill along with disconnection notice to the complainant as it bears the signature of Shri R.K. Shinde and Shri S.L. Gaikwad, concerned persons of the Respondent BEST Undertaking. The said record is at pg. 31 and 33. If this would be the case then the contention of the complainant that disconnection notices were not served upon him is not sustainable as immediately after disconnection of electricity supply, the complainant has paid the dues. We do not find any grievance in the contention of the complainant that the Respondent BEST Undertaking has illegally cut off the electric supply. On the contrary it appears that after giving two disconnection notices on 09/12/2015 and 07/01/2016 the Respondent BEST Undertaking has disconnected electric supply as per provision of 56(1) of E.A., 2003 which deals with disconnection of supply in default of payment.
- 11.0 The next contention of the Respondent BEST Undertaking is that the complaint is not maintainable as per 6.7 of MERC (CGRF & EO) Regulation, 2006. We have cautiously

gone through the record and it appears that first time the complainant has given the complaint dtd. 05/02/2016 to AAM, IGRC by email. If this would be the case, then it was for the IGRC to inform him to file the complaint in Annexure 'C', which has not been done by IGRC as required by proviso 6.2 of Regulation and therefore we have least hesitation to hold that the complaint is maintainable. It appears that IGRC has not taken any care to send any reply to the complainant to file the complaint in Annexure 'C'.

- 12.0 For the above said reasons we do not find substance in the complaint. We are saying so because the complainant was defaulter for non-payment of electricity dues for three months so he could not blame the Respondent BEST Undertaking when electricity connection was cut off. The complainant has submitted that there was no need for the Respondent BEST Undertaking to remove the meter and they ought to have remove the cut out and so the action of the Respondent BEST Undertaking is arbitrary. On this point the Respondent BEST Undertaking has submitted that there is a practice to remove the electricity meter while disconnecting supply as the consumer used to put the cut out and restore the electric supply. Thus the complaint deserves to be dismissed. Accordingly, we proceed to pass the following order.

ORDER

1. The complaint no. S-A-315-2017 dtd. 03/03/2017 stands dismissed.
2. Copies of this order be given to both the parties.

(Shri S.V. Fulpagare)
Member

(Shri V.G. Indrale)
Chairman