

	Date	Month	Year
1	Date of Receipt	15	05 2024
2	Date of Registration	17	05 2024
3	Decided on	05	07 2024
4	Duration of proceeding	48 days	
5	Delay, if any.	—	

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

Grievance No. D-497-2024 dtd. 17/05/2024

Mr. Pradeep Chatrabhuj NirmalComplainant

V/S

B.E.S.&T. Undertaking Respondent

Present

Chairman

Coram : Mr.M.S. Gupta, Chairman

Member

1. Mrs. Anagha A. Acharekar, Independent Member
2. Mrs. Manisha K. Daware, Technical Member

On behalf of the Respondent : 1. Mr. S.N.Inchnalkar
2. Mr. P.P. Kulkarni

On behalf of the Complainant : Mr. Parag Balkrishna Vashirde

Date of Hearing : 26/06/2024

Date of Order : 05/07/2024

(Handwritten signatures in blue ink)

Judgment

- 1.0 The complainant Mr. Pradeep Chatrabhuj Nirmal has requested this Forum to direct the respondent to withdraw demand of arrears of Rs. 2,86,106.19 against electricity consumption.
- 1.1 The grievance of the complainant as mentioned in the application and as submitted by his representative Mr. Parag Balkrishna Vashirde orally before this Forum during the course of hearing is as under :
- 1.2 The old building pertaining to MHADA situated at 346-352, Maulana Azad Road, 1/3/5, Bhandarwada Cross Lane, Girgaon, Mumbai - 400 004 was demolished by MHADA on the undertaking that the same will be redeveloped and then occupiers of the said building would be re-accommodated in the redeveloped building.
- 1.3 According to the complainant, his father Mr. Chatrabhuj Raghunath Nirmal was occupying room no. 8 on the ground floor of the said old building. The complainant was allotted room no. 104 in the redeveloped new building in lieu of Mr. Chatrabhuj Raghunath Nirmal. In December 2008, Mr. Chatrabhuj Raghunath Nirmal including the complainant Mr. Pradeep Chatrabhuj Nirmal had vacated the old room no. 8 bearing old consumer no. 848-325-031*8. They have paid all the old due bills till May'2009. Thereafter, on 20/05/2009 they received a bill by post, which was "NO BILL".
- 1.4 On 09/01/2024, they have taken possession of room no. 104 in redeveloped new building from MHADA. On 10/01/2024, the complainant applied for new electric meter against said room no. 104 to the Distribution Licensee M/s BEST Undertaking. At that time he was asked to pay arrears of Rs. 2,86,106.19 in respect of previous old meter, prior to acceptance of requisition for new connection. Lastly, the complainant submitted that as he has not consumed any electricity through old meter after vacating the said premises, he is not liable to pay the said arrears. Hence, he requested the Forum to direct the respondent to withdraw demand of arrears of Rs. 2,86,106.19 and to provide him new electric supply connection.
- 2.0 The respondent in its reply contended that neither the original consumer nor the MHADA had ever submitted request to remove old meter of the said old room no. 8 of the above said building. On demolition of the meter cabin, meter no. 0620855 in respect of the said room no. 8 was collected from the site in order to avoid misplace or loss. That time final reading in the said meter was 8473 units on 28/06/2013. Accordingly, the meter was further removed from the system in order to avoid further billing. On 17/01/2023, MHADA informed names of nine persons to be electricity bill defaulters having old pending arrears including the complainant against whom an

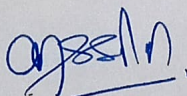
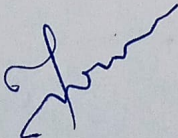
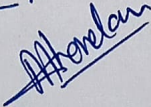
amount of Rs.2,86,106.19 was shown as outstanding. For these reasons, it is contended that the complainant may be directed to pay the outstanding arrears and to complete necessary compliances in order to make provision of new electricity connection to his premises as per his requisition no. 588115.

- 3.0 We have heard the representatives of both the parties and perused the record. On careful consideration, the following points arise for our determination with findings thereon for the reasons to follow :

Sr. No.	Points for determination	Findings
1	Whether the complainant is liable to pay outstanding amount of Rs. 2,86,106.19 pertaining to the old consumer no. 848-325-031 to the respondent ?	Negative
2	What order ?	As per final order.

REASONS

- 4.0 Undisputedly, the complainant's father Mr. Chatrabhuj Raghunath Nirmal was occupying room no. 8 in old MHADA building of the aforesaid premises. The said building went into redevelopment by MHADA and therefore the possession of the said room was handed over to MHADA in or about 2008-09. In lieu of Mr. Chatrabhuj Raghunath Nirmal, the complainant has been allotted room no. 104 in the redeveloped building, vide possession letter dtd. 09/01/2024, by MHADA. There was an old meter in room no. 8 of old building, against which "NO BILL" i.e. Zero bill was issued to the complainant for the month of April'2009. On 09/01/2024, the complainant took possession of room no. 104 in redeveloped building from MHADA. On 10/01/2024, the complainant applied for new electric meter in the said room no. 104. At that time he was called upon to pay arrears of Rs. 2,86,106.19 in respect of the old meter.
- 4.1 Significantly, after the dispute raised by the complainant about arrears of Rs. 2,86,106.19 stating that he has not consumed electricity since he has vacated the premises in 2009, the respondent did not bother to take cognizance of it. It is also observed by the Forum that the respondent did not check the billing and ledger details as to how they arrived to the conclusion that an amount of Rs. 2,86,106.19 is due and outstanding against the complainant. During the course of argument, when it was enquired by the Forum, its representatives have submitted the detailed copy of the ledger including two pages sheet of the abstract against bill dtd. 08/12/2010.

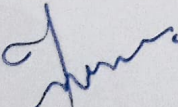
- 4.2 After careful perusal of the detailed abstract of the ledger, it is being noticed by the Forum that since April 2009 the meter reading is shown as 8473 units and consumption in units is described as Zero. The said reading of 8473 also shown for the first time in Nov.2008 and the consumption of electricity in units is shown as Zero since December 2008 continuously till 01/07/2013. The said ledger also describes that till July 2009 the net bill was Rs. -105.60. In the succeeding month, though consumption of electricity is shown as Zero units, however, net bill amount is shown as Rs. 1928. The abstract further reveals that till 08/03/2011 the previous reading is shown as 8473 units and consumption of electricity is shown as Zero units. Immediately, thereafter previous reading is shown as Zero till 01/07/2013. Against the bill dtd. 02/09/2013 the arrears is shown as Rs. 12,313.70 but in the subsequent month i.e. 01/10/2013 the meter was removed from the system and the current bill was charged as Rs. 1,13,001.66 and the said arrears is exorbitantly increased and shown as Rs. 1,25,315.36. The officers of the respondent could not explain as to how the said arrears have been enhanced from Rs. 12,313.70 to Rs. 1,25,315.36.
- 4.3 On careful consideration of all the aspects the Forum comes to the conclusion that it is a fit case of incorrect billing i.e. all calculation of outstanding bills wherein the consumption is shown as 'Zero' units and arrears are charged without any proper basis.
- 4.4 The officers of the respondent vehemently argued that it is duty of the consumer or of the builder or of the MHADA to inform the Distribution Licensee for removal of the old meter in case of redevelopment of any building. However, it was not done and therefore the consumer is liable to pay the outstanding bills. As against this, the complainant's representative submitted that the complainant and his father Mr. Chatrabhuj Raghunath Nirmal were under impression that MHADA must have informed the respondent and the meter must have been removed. In such circumstances the representative of the complainant submitted that the complainant may not be unnecessarily imposed with arrears of electricity bills.
- 4.5 It is to be noted that the respondent has not taken proper care either to submit proper extract of the ledger or to explain as to how such exorbitant final bill has been issued to the complainant with a condition that unless the said bill is paid, new electricity connection will not be provided in the new room bearing no. 104 of the redeveloped building.
- 4.6 The representative of the complainant during the course of argument consented that the complainant is ready to pay meter rent and applicable taxes, if any in respect of the old meter. In such circumstances when the Forum noticed that the final bill issued by the respondent is simply on the assumption without any proper foundation and in

the eventuality that there was no actual electricity consumption by the complainant in the old room no. 8. Consequently, the said final bill dtd. 27/03/2020 can be declared as unjust and improper, hence liable to be withdrawn. At the most direction can be issued to the respondent to issue a fresh demand of the outstanding period only to the extent of applicable meter rent and taxes thereon.

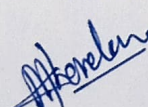
- 4.7 Reasonable time can be granted to the respondent to issue correct fresh demand to the complainant as discussed above and sufficient time may be given to the complainant to make the payment. After payment of the said amount and making other requisite compliances, the respondent is directed to provide new electricity connection to the complainant by installing new meter in the redeveloped building i.e. room no. 104 as per his application no. 588115 as early as possible. Consequently, point no. (1) is answered in the negative. We pass the following order as answer to point no. (2).

ORDER

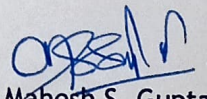
1. The Grievance No. D-497-2024 dtd. 17/05/2024 is allowed.
2. The final bill dtd. 27/03/2020 amounting to Rs. 2,86,106.19 issued by the respondent to the complainant is declared as unjust and improper.
3. The respondent is directed to withdraw said final bill of Rs. 2,86,106.19 dtd. 27/03/2023 pertaining to consumer no. 848-325-031 and issue a fresh final bill in respect of the aforesaid consumer number as directed above within 15 days from the date of this order.
4. The complainant is directed to deposit the Amount DERIVED IN FRESH final bill with the respondent within 15 days after receipt of the said bill .
5. On deposit of the amount of said fresh final bill by the complainant, the respondent is further directed to process the application no. 588155 of the complainant for installation of new electric supply connection at the earliest and report the compliance.
6. Copies of this order be given to all the concerned parties.


(Smt. Manisha K. Daware)

Technical Member
CGRF BEST


(Smt. Anagha A. Acharekar)

Independent Member
CGRF BEST


(Shri Mahesh S. Gupta)

Chairman
CGRF BEST