

	Date	Month	Year
1	Date of Receipt	22	05 2024
2	Date of Registration	24	05 2024
3	Decided on	05	07 2024
4	Duration of proceeding	42 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. GN-498-2024 dtd.24/05/2024**

Mrs. Tabbasum Pawaskar .....Complainant

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. D.R Ingale  
2. Mr. D.S. Thamke

On behalf of the Complainant : Mrs. Nida Pawaskar

Date of Hearing : 26/06/2024

Date of Order : 05/07/2024

### Judgment

- 1.0 The complainant Mrs. Tabbasum Pawaskar residing at B/601, 6<sup>th</sup> floor, Plot no. 501, 3B, P.M.G.P. colony, Transit camp, near Dharavi Bus Depot, Sion Dharavi Link Road, Dharavi, Mumbai - 400 017, has requested this Forum to direct the respondent to withdraw the demand of arrears of Rs. 1,73,811.56 and provide meter connection, which was removed by the respondent inspite of partial payment made against consumer no. 699-872-117.
- 1.1 The grievances of the complainant Mrs. Tabbasum Pawaskar as mentioned in the application and as submitted by the complainant's representative Mrs. Nida Pawaskar orally before this forum during the course of hearing are as under;
- 1.2 Initially, in 2010, the complainant submitted a letter to the respondent regarding defective meter and expressed her inability to pay the arrear amount of Rs. 3,55,771/-
- 1.3 Again on 10/06/2015, the complainant lodged a complaint of high bill and requested the respondent to replace the faulty meter. The complainant stated that the respondent removed the said meter in 2015, instead of replacing it, for non-payment of arrears.
- 1.4 The complainant further mentioned that when she had applied for re-connection of meter, the respondent issued her notice for payment of an amount of Rs. 1,73,811.56 as total outstanding arrears amount with interest. The complainant has requested to waive the amount charged due to faulty meter and allow her to pay actual bill in installment.
- 2.0 The respondent BEST Undertaking has appeared and filed their reply before this Forum in response to the aforesaid complaint / grievance application of the complainant.
- 2.1 The respondent in its reply contended that as per record, meter was installed on 27/08/2009 for the consumer no. 699-872-117 in the name of Dy. Eng. Hsg. Elect. Sub. Div. No. V at B/601, 6<sup>th</sup> floor, plot no. 501, 3B, PMGP colony, transit camp, near Dharavi Bus Depot, Sion Dharavi Link Road, Dharavi, Mumbai - 400 017.
- 2.2 Respondent stated that the complainant Mrs. Tabbasum Pawaskar had submitted a letter dtd. 03/05/2018 requesting to waive DP & IOA against requisition form no. 344296 dtd. 07/02/2018. The meter no. U114184 was removed on 31/05/2016 due to non-payment of electric bill. The previous meter no. F088558 was installed in August

*Abhilekh*  
*of*  
*Finance*

2009 and due to defect, this meter was replaced by new meter no. E094384 in May 2010. Further, due to smokey meter, this meter was replaced by new meter no. U114184 on 15/01/2013.

- 2.3 In April 2017, a total credit of Rs. 6,62,542.49 was given in electricity bill to the complainant. The complainant is irregular in payment of electricity bill.
- 2.4 The respondent further mentioned that during the site visit on 10/06/2024 at room no. 601, the premises was found locked and it was noticed that temporary supply was given to the premises from room no. 604, whose meter was also removed for non-payment pertaining to consumer no. 699-872-012. Room no. 604 was also found locked. Thus, both these consumers were found using direct supply from the nearby meter cabin.
- 2.5 According to final bill prepared on 04/02/2022, the complainant is liable to pay Rs. 1,73,811.56 including DP and IOA.
- 3.0 We have heard the representatives of both the parties and perused the record. On careful consideration, following points arise for our determination with findings thereon for the reasons to follow.

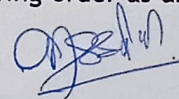
Sr. No.	Points for determination	Findings
1	Whether the complainant is liable to pay entire outstanding amount of Rs. 1,73,811.56 pertaining to consumer no. 699-872-117 to the respondent ?	Negative
2	What order ?	As per final order.

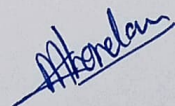
#### REASONS

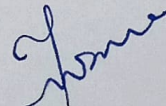
- 4.0 Undisputed facts of the case are that, Mrs. Tabbasum Pawaskar was occupying room no. B/601, 6<sup>th</sup> floor, Plot no. 501, 3B, P.M.G.P. colony, Transit camp, near Dharavi Bus Depot, Sion Dharavi Link Road, Dharavi, Mumbai - 400 017 allotted by MHADA as temporary transit premises. The meter no. F088558 was installed at the above premises against consumer no. 699-872-117 by the respondent on 27/08/2009. The meters installed to the said premises were replaced as faulty for various reasons on two occasions, till removal of the meter on 31/05/2016 for non-payment of outstanding arrear amount of Rs. 1,73,811.56.

*Shri*  
*Arjun D.*  
*Arjun D.*

- 4.1 During scrutiny of the statement of account submitted by the respondent, it is observed that till Nov'2009, 'No Bill' was charged and in the month of Dec'2009 unit consumption is recorded exorbitantly for 14837 units, which has gradually increased and charged exorbitantly for 35079 units in April 2010, when the defective meter was replaced. It is observed that, the sanctioned load in the LT-I tariff (Residential) type was well below 1 Kw for the said consumer no. 699-872-117.
- 4.2 It is observed that though the defective meters are replaced periodically, the total bill amount with arrears of DPC and IOA has been regularly charged till Mar'2017. It was thereafter a credit of Rs. 6,62,542.49 was given in Apr'2017, against total bill charged to Rs. 8,01,574.68 in Mar'2017. Final bill was generated on 04/02/2022 with arrears amount of Rs. 1,73,811.56 including DP & IOA.
- 4.3 It was confirmed that the complainant was paying bill irregularly. However, the complainant has made few lumpsum payments as per demand of arrear outstanding occasionally.
- 4.4 During the course of argument, the complainant consented and showed willingness to make payment as per actual unit consumption charges. However, she pleaded for an arrangement of payment facility in installment, in case of higher amount is still outstanding and to deduct the amount actually paid in lumpsum occasionally as per demand of arrears from the respondent.
- 4.5 Consequently, the said final bill dtd. 04/02/2022 can be declared improper and liable to be withdrawn, as based on assumption billing. The respondent can be directed to issue a fresh final bill of the outstanding arrears based on actual unit consumption & other charges for taxes etc., without DPC & IOA, deducting the whole lumpsum amount paid by the complainant on various occasions.
- 4.6 Reasonable time of 15days can be granted to the respondent to issue fresh worked out bill to the complainant and accept the said bill amount by giving at least 15 days time to the complainant to pay the same. However, in case of non-payment of the said worked out bill by the complainant thereby in the specified time limit, DPC & IOA will be applicable, as per rules in force. After payment of requisite amount the respondent is directed to provide electric supply connection to the complainant by installing new meter for the said premises i.e. room no. B/601 as per her requisition as early as possible by levying applicable new connection charges. Consequently, the point no. (1) is answered in the negative. Hence, we pass the following order as answer to point no. 2.

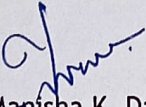




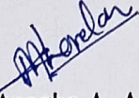


ORDER

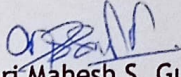
1. The Grievance No. GN-498-2024 dtd.24/05/2024 is allowed.
2. The respondent is directed to withdraw final bill of Rs. 1,73,811.56 and issue a fresh bill in respect of the aforesaid consumer number as directed and held above within 15 days from the date of this order.
3. The complainant is directed to deposit the said amount with the respondent after receipt of the said fresh bill within the reasonable time as granted by the respondent in view of observation in preceding paragraph no.4.6.
4. After receipt of the entire fresh bill amount, the respondent is further directed to process the requisition of the complainant for installation of new meter at the earliest as observed in paragraph no.4.6 and report the compliance.
5. 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