

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-G(N)-196-2013 dtd. 24/05/2013

Mr . Tohid Khan / Sajid HussainComplainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Quorum : Chairman
Shri R U Ingule, Chairman

Member
1. Shri M P Thakkar, Member
2. Shri S M Mohite, Member

On behalf of the Complainant : 1. Shri I.A. Shaikh
2. Shri Tohid Khan

On behalf of the Respondent 1. Shri S.S. Sakpal, DECC(G/N)
2. Shri S.B. Pawar, AAM(IGR)

Date of Hearing : 27/06/2013

Date of Order : 28/06/2013

Judgment by Shri. R.U. Ingule, Chairman

Mr. Tohid Khan / Sajid Hussain, 24/A, Ground floor, Madina Nagar, Kutty Wadi, 7/317, 60 feet road, Dharavi, Mumbai – 400 017 has come before the Forum for dispute regarding interest and delayed payment pertaining to A/c No. 764-374-309.

Complainant has submitted in brief as under :

1.0 The complainant has approached to IGR Cell on 15/03/2013 for his grievance regarding interest and delayed payment pertaining to A/c No. 764-374-309. The complainant has approached to CGRF in schedule 'A' dtd. NIL (received in CGRF on 24/05/2013) as no remedy is provided by the Distribution Licensee regarding his grievance. The complainant has requested the Forum to waive DP charges, interest and amount of final reading of electricity bill.

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

- 2.0 The first meter under A/c No.764-374-309 was installed in the name of Mr. Sajid Hussein on 17.04.1990 and was removed on 25.02.2009.
- 3.0 As stated in the letter and Affidavit dated 21.04.2005 submitted by, Mr. Tohid Khan has purchased the premises under reference from Mr. Sajid Hussein. He had used the aforesaid premises from April 2005 as stated in his Affidavit and has not paid the bills of energy consumed. The last payment of electric bill of A/c No.764-374-309 has been received on 04.08.2006.
- 4.0 The meter no.B039503 was removed on 25.02.2009 when the last reading registered / noted was 15423 units. The bill of 15423 units consumed amounting to Rs.1,37,466.69. was sent. This bill is further enhanced due to non-payment of bills up to Rs.2,28,383/- up to May 2013.
- 5.0 When the applicant applied under Annexure 'C' on 15.03.2013. He was called for hearing on 12.04.2013 in the office of DECC(G/N). At that time DECC(G/N) has requested to pay the legitimate arrears of Rs.1,37,467/.
- 6.0 In view of the above, the outstanding of Rs.2,28,383/- of A/c No.764-374-309 should be recovered from Mr. Tohid Khan.

REASONS

- 7.0 For the complainant we have heard Shri I.A. Shaikh and Shri Tohid Khan and for the Respondent BEST Undertaking Shri S.S. Sakpal DECC(G/N) and Shri S.B. Pawar AAM(IGR). Perused documents.
- 8.0 Most of the facts in the instant complaint are admitted between the parties. As per the contentions of the complainant, he has purchased the premises under consideration in the month of April 2005, from the erstwhile consumer Shri Sajid Husain having a/c no. 764-374-309*2. The complainant thereafter learnt that the officials of the Respondent BEST Undertaking has removed the meter provided to the said premises in the month of February 2009, for a reason of non-payment of the electricity charges in arrears.

- 9.0 The complainant vehemently submitted that after the purchase of the said premises, the complainant was availing the electricity supply through the said meter and was paying charges for the same and without giving any notice to him the said meter has been removed by the Respondent BEST Undertaking. The complainant further contends that he has been illegally served with an electricity bill for the month of May 2013 showing the total amount in arrears being Rs. 2,28,383.00.
- 10.0 The complainant submits that the charges of electricity consumed by him would be paid by him. However, the DP charges and interest amount levied on the said electricity charges be waived, to enable him to avail the reconnection of the electricity supply. The complainant further submitted that he has not been in a financial position to pay the huge arrears of Rs. 2,28,383.00. Therefore, prayed for waiver of such DP and interest charges.
- 11.0 In counter the Respondent BEST Undertaking has submitted that the first meter with a/c no. 764-374-309 was installed in the name of Shri Sajid Husain. Although the present complainant has purchased the premises from Shri Sajid Husain, he has not paid the electricity bill for energy consumed by him. The last payment of electricity bill for a/c no. 764-374-309 has been paid by him on 04/08/2006. For non-payment of the electricity charges, meter has been removed on 25/02/2009 and the said meter has recorded the last reading as 15423 units.
- 12.0 This Forum observes that the complainant has candidly admitted that when the meter was removed in the month of February 2009, the consumption of units recorded by the said meter was 15423. The Respondent BEST Undertaking has placed on file before us the *Ledger Folio* of the said meter at Exhibit 17-C. Therein this Forum observes that for the last reading recorded as 15423 units the current charges claimed by the Respondent BEST Undertaking has been Rs. 16,349.78. However, due to electricity charges in arrears for the past period the total charges to be paid by the complainant has been shown as Rs. 1,37,466.69. This *Ledger Folio* further points out that till the month of November 2010 the electricity charges in arrears raised to Rs. 1,73,432.09. This Forum further finds that till the month of May 2013 the total electricity charges in arrears further raised to Rs. 2,28,383.00, due to addition of delayed payment charges and penalty interest.
- 13.0 In consider view of this Forum there is merit in the contention raised by the complainant that without giving any prior intimation or notice, the electric meter availed by the complainant has been removed in the month of February 2009 by the Respondent BEST Undertaking. In this context we do not find placed before us any prior intimation or notice served on the complainant by the Respondent BEST Undertaking. This Forum also finds that after removal of the meter in the month of February 2009, the Respondent BEST Undertaking has not made any efforts to recover the arrears from the complainant. Under such peculiar facts and circumstances this Forum finds that the ends of the justice would be served by directing the complainant to pay the electricity charges in arrears as shown in the *Ledger Folio* against the month of April 2009 i.e. Rs. 1,37,467.00.
- 14.0 This Forum may observe at this juncture that the complainant has expressed his unqualified readiness and willingness to pay the said amount of Rs. 1,37,467.00, however, prayed for giving him concession for paying this amount in two equal

installments. In a given set of facts we uphold the prayer made by the complainant. In the aforesaid observation we proceed to pass the following order.

ORDER

1. The Complaint no. N-G(N)-196-2013 stands allowed.
2. The Respondent BEST Undertaking has been directed to prepare the electricity bill to enable the complainant to pay the electricity charges of Rs. 1,37,467.00 in two equal monthly installments.
3. The Respondent BEST Undertaking further directed to provide the reconnection of electricity supply to the complainant on a receiving the aforesaid entire electricity charges in two equal monthly installments, within a period of one month there from.
4. The Respondent BEST Undertaking further directed to report the compliance of this order within a period of fortnight there from.
5. Copies be given to both the parties.

(Shri S M Mohite)
Member

(Shri M P Thakkar)
Member

(Shri R U Ingule)
Chairman