

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(S)-124-2011 dt . 30-06-2011

Shri Yogeshkumar V.PandeyComplainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Quorum :
1. Shri R U Ingule, Chairman
2. Shri S P Goswami, Member
3. Smt Varsha V Raut, Member

On behalf of the Complainant : 1. Shri. Y.V. Pandey
2. Shri. D.S. Savant

On behalf of the Respondent : 1. Shri. S.B. Lande, AECC 'G/S' ward
2. Shri. N.H.S. Husain, AOCC 'G/S' ward

Date of Hearing : 28-7-2011

Date of Order : 11-8-2011

Judgment by Shri. R.U. Ingule, Chairman

Shri Yogeshkumar V.Pandey, A/302,Mahavir Darshan, Veer Santaji Lane, Off.G.K.Marg, Lower Parel, Mumbai - 400 013 has come before the Forum for his grievances regarding outstanding bill of A/c No 771-018-001 & reconnection of electric supply.

Complainant has submitted in brief as under :

1. The complainant has approached to IGR Cell of the Respondent on 27.5.2011 for his grievances regarding outstanding bill of A/c No 771-018-001 & reconnection of electric supply.
2. Not satisfied with Respondent's IGR Cell reply dtd.22/06/2011, the complainant approached to CGRF in schedule 'A' on 29-06-2011. He has requested the Forum to give electric connection on priority. He has shown willingness to pay the legitimate amount in suitable installments.

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

3. Initially, meter No.0089215 was installed on 8.9.1984 at Veer Jeejamata Nagar, Dr. E. Moses Road, Worli, Mumbai 400 018 in the name of Smt.A.V. Pandey bearing A/c. No. 771-018-001. This meter was removed on 30.3.2000 for non-payment Electricity bill amounting to Rs.73,237.42. Subsequently, due to levy of delayed payment charges, this amount increased to Rs.80,321.01 till July, 2000. After adjusting the security deposit, outstanding as on December, 2000 is Rs.77,314.34.
4. In addition to the above, provisional claim amount of Rs.10,861.76 towards defective meter amendment for the period from 8.2.2000 to 30.3.2000 is outstanding against the said account.
5. Shri Yogeshkumar V. Pandey vide Requisition No.61103121 dated 2.2.2011 has requested for reconnection of electric supply at the said premises. The applicant as part of compliance has been asked to pay the outstanding amount and to fulfill other requirements for releasing electric supply. Vide Annexure 'C' Form dated 27.5.2011, the applicant has raised dispute regarding outstanding amount of Rs.77, 314.37 and provisional claim of Rs.10, 861.76
6. In reply to the above Annexure 'C', vide our letter Ref.CC (G/S)/AOGS/Annexure 'C'/03/ 6120632-A/2011 dated 22.6.2011, the details of the outstanding amount is submitted to applicant. It is also informed that amount of Rs.13, 587.87 towards D.P. Charges is waived and to pay balance amount of Rs.63, 726.47 towards energy charges and amount of Rs.10, 861.76 towards provisional claim amount.
7. Now, the applicant has submitted his grievances under Schedule 'A'. The applicant has informed that, the consumption from February 1999 to March, 2000 would not have been more than Rs.1000/- to Rs.1200/- per month as the premises was used as godown and no business was conducted in the said premises.

8. It can be seen from consumption pattern for the period from 1994 to till removal of meter in March 2000, the consumption of the said meter had increased since October,1997 and it was in the range of 1500 to 2200 units per month amounting to bill of approximately Rs.5,000/- to Rs.7,000/- per month.
9. Further, the meter was found to be stopped in the month of February, 2000 and the reading recorded was 57850. Thereafter no consumption was recorded till removal of the meter on 30.8.2000. Hence, the above amendment claim of Rs.10, 861.76 had been preferred for the period from 8.2.2000 to 30.3.2000.
10. In terms of Section 10.5 of Maharashtra Electricity Regulatory Commission (Electric Supply Code & Other Conditions of Supply) Regulations 2005, the total amount of electricity due to the Distribution Licensee, which remains unpaid by a deceased consumer shall be charged on the premises transmitted to the legal representative/successor - in-law.
11. The consumer has made regular payment till March 1999. Thereafter no payment was made by the consumer. Subsequently, meter was removed for non-payment of electricity bill on 30.3.2000. The outstanding amount as on today for the said account is towards energy charges amounting to Rs.63, 726.47 (excluding D.P. Charges) and provisional claim amounting to Rs.10,861.76 towards defective meter amendment for the period from 8.2.2000 to 30.3.2000.
12. The outstanding amount & amendment claim amount is appearing in the A/c.No.771.018-001 in the name of Smt. A.V. Pandey. The applicant is a legal heir of the previous consumer hence he is liable to pay the said amount.
13. Our request to Hon'ble CGRF is to dismiss the contention of applicant and direct him to pay revised outstanding amount of Rs.63, 726.47 towards energy charges &provisional claim amount of Rs.10, 861.76 so that his requisition No.61103121 for reconnection of electric supply can be processed further.

REASONS :

14. We have heard the learned representative Shri. Y.V. Pandey & Shri. D.S. Savant for the complainant and learned representative Shri. S.B. Lande & Shri. N.H.S. Husain for the Respondent. Perused papers.
15. Complainant who is the legal heir of erstwhile consumer Smt. Amaravati Devi Vijay Pandey, A/c no. 771-018-001*0 has approached the Respondent for reconnection of electric supply vide application dtd. 2-2-2011. In response to this the Respondent asked the complainant to pay outstanding amount of Rs.77,314.37 & provisional claim of Rs.10,861.76

towards stopped meter amendment claim. As per the Respondent the outstanding amount is towards the arrears accumulated for the period March-1999 to 30-3-2000 as the erstwhile consumer had stopped paying the bills from March-1999 onwards till the date of removal of the meter i.e. 30-3-2000. After filing of the appeal by the complainant the Respondent revised the claim amount by waiving the DP and Interest charges of Rs.13,587.87 and the revised claim amount of Rs.63,726.27 was informed to the complainant. In addition to this a provisional claim amount as mentioned above was served on the complainant. Respondent has relied on clause no. 10.5 of MERC (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 for the recovery of the arrears emphasizing that the complainant being a legal representative of the erstwhile consumer, is liable to pay the entire arrears.

16. The complainant in his submission mentioned that the erstwhile consumer was paying the electricity bills regularly till Feb-1999. Thereafter because of personal reasons she closed down the business activity. On 2-2-2011 when the complainant approached the Respondent he was asked to pay the outstanding amount of Rs.77314.37 and provisional claim amount of Rs.10,861/- for reconnection of electric supply. After filing appeal to the authority a relief of Rs.13,587 was given by waiving DP & Interest charges. The complainant further stated that during the period from Feb-1999 to March-2000 his commercial activity was at standstill and his godown was in a locked condition. As per the complainant the consumption recorded during this period should not have been more than Rs.1,000/- to Rs.1200/- per month as he expects the meter to be stopped or defective from the earlier period. He has shown willingness to pay the legitimate energy charges for the said period with suitable installment facility for payment.
17. Respondent has mentioned that the consumption of erstwhile consumer had increased since Oct-1997 & was in the range of 1500 to 2200 units per month amounting to a bill of Rs.5,000 to Rs.7,000 per month. Further from Feb 2000 onwards till removal of meter on 30-8-2000 the meter was found stopped. In this context Forum has observed that consumption recorded by the meter from Oct-1997 to Feb-2000 is not in proportion to the connected load of the consumer viz. 0.95 KW. Assuming that the consumer has used the connected load for 8 hours everyday the consumption recorded by the meter per day should be in the range of 7.65 KWH units & monthly consumption should have been approximately 228 KWH units.
18. Thus, Forum observe that there is a drastic difference in the consumption recorded by the meter vis-à-vis usage of connected load. Therefore Forum is of the opinion that the consumption recorded by the meter for the period Oct-1997 to March-2000 is not correct and hence the bills are required to be amended based on the usage of connected load by the erstwhile consumer. However, the complaint has not come

forward to protest or lodge a complaint with the respondent for high bill. Therefore the complaint can not be granted relief for the entire period but only for the disputed period i.e Feb 99 to March 2000. Forum further observe that the complainant has approached the Respondent for reconnection of electric supply for the said premises. He has been a legal heir of the erstwhile consumer. Hence under the provisions of section 10.5 of MERC (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 he is liable to pay the legitimate arrears towards the energy charges of the earlier erstwhile consumer.

19. In view of the aforesaid observations and discussions we proceed to pass the following order.

ORDER :

1. Complaint no. N-G(S)-124-2011 dtd . 30-06-2011 stands partly allowed.
2. The Respondent is directed to give reconnection to the complainant by accepting the amendment claim for the period February 1999 to March 2000 based on the average monthly consumption of 228 Kwh units per month.
3. Three equal monthly installments be given to the complainant for the payment. No D.P & interest be charged on the installments.
4. Compliance report be submitted by the Respondent to this Forum on or before 30 days from the date of passing of this order.
5. Copies be given to both the parties.

(Smt Varsha V Raut)
Member

(Shri S P Goswami)
Member

(Shri R U Ingule)
Chairman