

**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)-131-2011 dt . 27-12-2011**

Mr. Gurudev Jaiswar .....Complainant

V/S

B.E.S.&T. Undertaking .....Respondent

**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 : Shri. Gurudev Jaiswar

On behalf of the Respondent : 1. Shri. P.S. Deshpande, AOCC 'G/N'  
2. Smt. N.M. Diwan, Charge Engineer

Date of Hearing : 18/01/2012

Date of Order : 23/01/2012

**Judgment by Shri. R.U. Ingule, Chairman**

Mr. Gurudev Jaiswar, Naik Nagar, Kalibharni Shivnarayan Mandir, Room No. 237, L.B. S. Road, Mumbai - 400 022 has come before the Forum for his grievances regarding bill amount of Rs. 62,309.76 pertaining to A/c no. 780-500-115 and reconnection of electric supply.

**Complainant has submitted in brief as under :**

- 1.0 The complainant has approached to IGR Cell of the Respondent on 02/08/2011 for his grievances regarding bill amount of Rs. 62,309.76 pertaining to A/c no. 780-500-115 and reconnection of electric supply.
- 2.0 Not satisfied with Respondent's IGR Cell reply dtd. 23/12/2011, the complainant approached to CGRF in schedule 'A' on 23/12/2011. He has requested the Forum to cancel the outstanding bill of Rs. 62,309.76, provide new connection and grant him compensation for delay in correcting the bill and delay in providing new connection.

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

- 3.0 The meter no. 0505724 was installed on the installation on 08.01.1992. This meter was replaced by meter no. D921173 on 27.06.1992. The meter no. D921173 was removed on 23.07.1999 for non-payment of bills. The reading folio and meter removal advice in the instant case is not available.
- 4.0 However, on scrutiny of ledger it is observed that the bills of the consumer was amended for the bill period 25.07.1999 to 23.09.1999 for an amount of Rs.30,795.70.
- 5.0 As per ledger position the outstanding amount of the said consumer is Rs.62,309.76.
- 6.0 Mr. Gurudev Jaiswar the son of Shri. Budhiram Tulsi Jaiswar had submitted Death Certificated of his father Shri. Budhiram Tulsi Jaiswar, in CGRF vide his application dated 27.12.2011.
- 7.0 As per Regulation 10.5 of Supply Code & Other Condition of Supply "except in case of transfer of Electricity connection to a legal heir, the liability transferred as per the regulation has been restricted to a maximum period of 6 months of the unpaid charges for electricity supplied to the premises".  
**In the instant case the applicant is son of Shri. Budhiram Tulsi Jaiswar.**
- 8.0 The question of Payment of Compensation does not arise as the meter was removed on 23.07.1999 for non-payment of arrears and he has applied for re-connection of supply to the said premises only on 07.10.2011. There is no electricity for his premises for the last 11 years. We have already communicated to him vide our letter dated 23.12.2011 to make the payment of arrears amount of Rs 62,309.76 in order to enable to reconnect the supply.
- 9.0 In view the above Mr. Gurudev Jaiswar may be directed pay Rs. 62,309.76 which is the legitimate outstanding amount, to the BEST Undertaking.

### REASONS :

10. We have heard the complainant in person and Shri Shri. P.S. Deshpande, AOCC 'G/N' and Smt. N.M. Diwan, Charge Engineer for the Respondent BEST Undertaking. Perused documents placed before this Forum.
11. We find that the action of the BEST Undertaking under challenge in the instance complaint, directing the complainant to pay Rs. 62,309.76 an outstanding electricity charges amount to the Respondent BEST Undertaking, find by this Forum being totally absurd and unsustainable one.
12. It is significant to observe that the meter no. D921173 provided to the deceased father of the complainant was removed on 23/07/1999 for a reason of *non payment of bills*. Further significant to note that the Respondent BEST Undertaking has candidly submitted before this Forum that Reading Folio and the Meter Removal Advice pertaining to the said meter has not been available. The Respondent BEST Undertaking therefore proceeded to work out the electricity outstanding charges amount of Rs. 62,309.76 on the basis of ledger position.
13. On this backdrop, on perusal of the documents placed before this Forum, we find that the meter installation card produced before us by the Respondent BEST Undertaking manifest remark being passed thereon that the Meter Removal Advice no. 4992 dtd. 13/07/1999 has been for the reason that an amount of Rs. 10,252.00 remains unpaid upto June, 1999.
14. We further observe that a bare perusal of the ledger blatantly manifest that the meter no. D 921173 installed in the premises of the complainant's father has recorded the consumption of units progressively and properly till its removal in the month of July, 1999. The concerned ledger folio further reveals that the consumption of the meter in the month of May was of 17 units and that in the month of June was 3 units.
15. Thereafter, we find abruptly the consumption of units is 1200 in the month of July, 1999. We further observe that the Respondent BEST Undertaking proceeded to amend the bill for a period from 25/07/1999 to 23/09/1999 for an amount of Rs. 30,795.70. As such the said amendment has been made after the removal of the meter on 23/07/1999. Thus to reiterate the installation card manifest the removal of the meter on account of *non payment of the electricity charges* up to June, 1999. We thus do not find any cogent reason submitted before this Forum by the Respondent BEST Undertaking as to for what reason and on what basis the Respondent BEST Undertaking has proceeded to amend the bill for a period from 25/07/1999 to 23/09/1999 i.e. after the removal of the meter. We therefore hold this action initiated by the Respondent BEST Undertaking, being highly unsustainable and absurd one.

16. We further find that the debit / credit note no. 1215 dtd. 07/12/1999 manifest that the Respondent BEST Undertaking has enhanced and inflated bill by 2400 units. In our considered view the meter has been removed on 23/07/1999 and thus there was no reason to take into consideration such 2400 units for imposing a bill on the complainant. To sum up we find that the Respondent BEST Undertaking has wrongly amended the bill, also wrongly considered 2400 units for charging complainant and also levying DP charges for the said period.
17. We find that the, Customer Care officials of the concerned ward accordingly has properly submitted a note for giving a credit of Rs. 45,594.91 to the complainant on the ground of error committed in amending the bill and erroneously over billing for 2400 units and erroneous imposing DP charges. Accordingly, said note was submitted to the Audit Dept. To our utter surprise when admittedly as per the remarks on the installation card the meter was removed on 13/07/1999, the Audit Dept. has issued direction to the Customer Care officials to confirm whether the said meter was in order or defective and in case of defective meter to amend the bill accordingly.
18. The meter was removed on 23/07/1999 and thus after lapse of about 12 years the Audit Dept. in its wisdom directed the Customer Care officials to check the said meter and confirm the defect, if any, developed by the said meter. In our view before passing such remarks the Audit Department ought to have ensured and verified whether it was feasible and whether the said meter has been preserved as it is by the concerned officials during such huge period of more than 12 years. We further find that such erroneous direction has been given by the Audit Department by giving a Nelson's eye to an admitted fact that the said meter was removed for non payment of charges.
19. To conclude, we observe that the Respondent BEST Undertaking has been maintaining the ledger folio in respect of the meter no. D924473 installed in the premises of the complainant in its routine course of business. In the month of removal of the meter we find the complainant being liable to pay net bill of Rs. 15,000.93. To reiterate despite such factual position being shown by the ledger folio, the Respondent BEST Undertaking has arbitrarily proceeded to direct the complainant to pay an exorbitant erroneous electricity charges of Rs. 62,309.76. We therefore find every justification and warrant to waive the further DP charges and interest imposed on the said net payable amount of Rs. 15,000.93.
20. In the aforesaid observation and discussion we proceed to pass the following order.

## ORDER

1. Complaint no. N-G(N)-131-2011 dtd. 27/12/2011 has been partly allowed.
2. The Respondent BEST Undertaking has been directed to provide reconnection to the premises of the complainant forthwith on receiving payment of Rs. 15,000.00 from the complainant.
3. The Respondent BEST Undertaking is further directed to report the compliance within a period of 15 days from the date of payment made by the complainant as directed above.
4. Copies be given to both the parties.

(Smt Varsha V Raut)  
Member

(Shri S P Goswami)  
Member

(Shri R U Ingule)  
Chairman