

		Date	Month	Year
1	Date of Receipt	09	11	2021
2	Date of Registration	12	11	2021
3	Decided on	09	02	2022
4	Duration of proceeding	89 days		
5	Delay, if any.	29 days		

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-002-2021 dtd.12/11/2021

Shri Sitaram DalviComplainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Chairman

Coram : Shri S.A. Quazi, Chairman

Member

1. Smt. Anagha A. Acharekar, Independent Member
2. Shri S.S. Bansode, Technical Member

On behalf of the Respondent (1) : 1. Shri J.S Thorve

On behalf of the Complainant : 1. Shri Sitaram Dalvi

Date of Hearing : 01/02/2022

Date of Order : 09/02/2022

Judgment

- 1.0 This complaint was received on 09/11/2021 and registered on 12/11/2021 in the office of the Forum. However, due to pandemic of Covid-19, lockdown was declared by the Government from 23/03/2021 onwards and it was extended from time to time and subsequently the guidelines were issued by MERC in that respect. The consumer did not express his readiness for hearing through video conferencing and thus was not ready for hearing through Video Conferencing. For these reasons, the matter could not be heard for long period. After relaxation of lockdown, the matter was fixed for hearing physically on 01/02/2022. Accordingly, the matter was heard on 01/02/2022 and now the judgment is being given. For these reasons the matter could not be decided within the time prescribed by the Regulations. Therefore, the delay of 29 days has occurred in deciding this complaint.
- 2.0 The complainant has grievance about the failure of the Respondent to give facility of installment in making payment of the alleged dues.
- 3.0 The case of the complainant may be stated as under :
 - a) The complainant is a consumer under a/c no. 635-003-069. His premises is situated in the building known as Mehta Mansion, Sitladevi Temple Road, Mahim, Mumbai - 400016. His premises/flat number in the said building is 36. In the same building there is another flat no. 46 of one Shri Mehta. Shri Mehta is also the consumer of the Respondent in respect of the said flat no. 46 under different a/c number.
 - b) On 04/12/2019, the Respondent changed meters of all the consumers in the said building. Thereafter, the said Shri Mehta complained to the Respondent about high billing. In respect to that, the Respondent's officials made investigation and allegedly they have come to the conclusion that wrongly the supply to the premises of the complainant was attached to the meter of the flat no. 46 of Shri Mehta and supply to the premises of Shri Mehta was connected to the meter of the complainant Shri Sitaram Dalvi and therefore there was high billing pertaining to the premises of Shri Mehta. Actually, the consumption shown in the bills of Shri Mehta's flat was the consumption made by the complainant. Therefore, on 23/08/2021 the Respondent set right the meters and then dr/cr was made in respect of the account of the complainant as well as the said Shri Mehta.
 - c) The complainant was asked to pay the amount of Rs. 34,901.06 in respect of the arrears about consumption made during the period from 28/11/2019 to 30/08/2021.
 - d) According to the complainant, the aforesaid billing was for the aforesaid reasons of error on the part of the officials of the respondent and the complainant was not responsible for the same. Still the complainant is ready to pay, but he is unable to pay the amount in lump sum. He made request to the official of the Respondent for giving installment facility to pay the same. However, that was not considered by the

officials and therefore, the complainant approached to this Forum. The complainant has submitted that the Respondent be directed to give the facility to pay this amount in 34 installments.

4.0 The Respondent has filed reply and opposed the grievance of the complainant. The Respondent's case may be stated as under :

a) It is admitted that there was interchange of meters/connections between the premises of the complainant and his neighbor Shri Mehta. Therefore, on calculation it was found that from 28/11/2019 to 30/08/2021 the amount of Rs. 34,901.06 was arrears against the complainant. Therefore the complainant was asked by the Respondent to pay the same in the bill of October 2021.

b) As far as submissions of the complainant before this forum about giving of facility of installment in paying the aforesaid outstanding amount is concerned, the representative of the Respondent has submitted that no written application/request to this effect was received by the respondent from the complainant. It is submitted that if the Forum directs, necessary steps can be taken by the concerned officials to process any such application which may be submitted by the complainant to the Respondent as per prevailing practice and rules.

5.0 We have heard both the parties and noted their submissions as above. In view of the above submissions of the parties and case pleaded by them, the following **points arise for determination**, on which we record our findings as under, for the reasons to follow:

Sr. No.	Points for determination	Findings
1	Whether, without making any written application to the respondent for giving facility of installment, the complainant is entitled to seek relief from this forum for direction to the respondent to give facility of installments for paying the aforesaid amount of dues?	In negative
2	What order should be passed by this forum to dispose of this grievance application?	The complaint / grievance application will have to be dismissed with liberty to the complainant to submit an appropriate application in writing to the Respondent for granting facility of installment in paying the aforesaid due amount and with direction to

		the Respondent to process such application as per prevailing practice, rules and regulations, within one month from submission of such application, as is being directed in the operative order, being passed herein below.
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6.0 We record reasons for aforesaid findings as under:

- a) Admittedly it is a case of recovery of arrears of Rs. 34,901.06. The said arrears have been asked by the Respondent to be paid by the complainant. No doubt the complainant is being asked to pay these arrears in respect of the consumption made by the complainant during the period from 28/11/2019 to 30/08/2021. In other words, the complainant is being asked to pay the amount in lump sum without any fault on his part for such amount to become arrears.

- b) In the aforesaid circumstances, we hold that the request of the complainant for granting facility of installment in paying the aforesaid arrears could have been probably entertained by the Respondent. However, we find that the respondent did not have occasion for it. No doubt, the complainant has submitted that he orally requested to an official of the respondent for giving facility of installment. However, the respondent has denied it. Even if it is assumed that oral request was made to an official of the respondent, there is nothing on record to assume that such official had been empowered to grant installment facility. In such circumstances, it was necessary for the complainant to make the application/request in writing, so that it could be processed up to the official who is actually empowered to entertain it. However, we find that the complainant has failed to establish before this Forum that any written application was ever submitted by him to the Respondent for giving such facility. In absence of such written application having been made with reasons mentioned as above, it is difficult for this Forum to decide as to whether the respondent is at any fault at all. Hence it is difficult for us to direct the Respondent to give such facility of installment, unless it is proved that an appropriate application was made to the respondent in this regard and it was unreasonably rejected by the respondent. In view of this, in the instant complaint filed before this Forum we cannot direct the Respondent to give such facility of installment to the complainant. Therefore, we have recorded negative findings in point (1).

- c) In view of the above reasons and findings recorded on point No (1), this complaint/grievance-application will have to be dismissed with liberty to the complainant to submit an appropriate application in writing to the Respondent for

granting facility of installment in paying the aforesaid due amount and with direction to the Respondent to process such application as per prevailing practice, rules and regulations, within one month from submission of such application, as is being directed in the operative order, being passed herein below. Accordingly we have answered point (2) and hence we pass the following order :

ORDER

- 1.0 The grievance no.GN-002-2021 dtd.12/11/2021 is hereby dismissed with liberty to the complainant to submit an appropriate application in writing to the Respondent for granting facility of installment in paying the aforesaid due amount and with direction to the Respondent to process such application as per prevailing practice, rules and regulations, within one month from submission of such application.
- 2.0 Copies of this order be given to all the concerned parties.

Sd/-
(Shri. S.S. Bansode)
Technical Member

Sd/-
(Smt. Anagha A. Acharekar)
Independent Member

Sd/-
(Shri S.A. Quazi)
Chairman