

BEFORE THE COMPLAINANT 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. S-A-169-2012 dtd. 17/10/2012

M/s Ador ConsultantComplainant

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 Nitin Naik
2. Shri Hemant S. E.

On behalf of the Respondent : 1. Shri V. S. Khole, AECCA
2. Shri V. R. Sawant, AAM (IGR) - A-ward

Date of Hearing : 3rd December, 2012

Date of Order : 11th December, 2012

Judgment by Shri. R.U. Ingule, Chairman

M/s Ador Consultant, 72, Mittal Chambers, Nariman Point, Mumbai - 400 021 has come before the Forum for Dispute regarding amendment bill pertaining to A/c - 100-014-115*3.

Complainant has submitted in brief as under :

- 1.0 The complainant has approached to IGR Cell on 15/06/2012 for dispute regarding amendment bill of Rs. 77,543.00 pertaining to A/c no. 100-014-115*3. The complainant has approached to CGRF in schedule 'A' dtd. 12/10/2012 (received by CGRF on 12/10/2012) as the Licensee has given the remedy partly i.e. the claim amount was revised to Rs. 18,849.00 as against the original claim of Rs. 77,543.00. The complainant has requested the Forum to cancel the entire claim amount.

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

- 2.0 The complainant M/s. Ador Consultants was having Conventional Meter No. 0 904197 and Meter No. 0166701 under one A/c No. 301-065-207. Meter No. 0904197 was replaced by Electronics Meter No P 991261 on 14.01.2000 and new A/c No. 100-014-115 was allotted. After that complainant was using supply through conventional Meter NO. 0166701 and Electronic Meter No. P 991261 and was billed on A/c No. 301-065-207 and A/c No. 100-014-115 respectively. In the mean time consumer submitted letter dtd. 21.03.2001 regarding removal of Meter No. 0166701. However, as per ledger position the amended Meter No. 0166701 was registering the consumption till June 2000. Accordingly complainant was billed on the consumption recorded by the Meter and he was paying the bill accordingly upto June 2000. However after June 2000 meter no. 0166701 found to be defective/stopped working. Accordingly on 28.11.2001 a letter in this regard was sent to the complainant. Subsequently, Meter No. 0166701 was removed on 19.04.2002. Hence stopped meter amendment claim of Rs. 77,513.34 for the period from 17.02.2000 to 19.04.2002 was sent to the complainant on 05.06.2004, since the consumption of Meter No. 0166701 had dropped from Feb. 2000.
- 3.0 The Licensee further stated that as per Administrative Order No. 349-A dtd. 06.01.2011 the original amendment claim was revised for the period of Six months from 15.10.2001 to 19.04.2002 i.e. Rs. 18,849.69 and the complainant was informed vide their letter dtd. 20.12.2011 to make the payment of revised claim amount in order to close the case.
- 4.0 As stated above the revised claim amount of Rs. 18,849/- was preferred vide their letter dtd. 20.12.2011. In response to this the complaint in 'C' form was received from the complainant on 15.06.2012. The 'C' form was replied vide thier letter dtd. 26.06.2012 stating that the original claim amount of Rs. 77,513.34 has already revised for the period of Six month i.e. Rs. 18,849.69 and requested the complainant to make the said payment in order to process the pending Change of Name application.
- 5.0 The Licensee further mentioned that as per their record, the data regarding replacement of conventional meter is not available. As per contention of applicant, Meter No. 0166701 became idle. However, this meter has registered the unit consumption. The ledger shows that both the Meter No. P 991261 and Meter No. 0166701 had registered the units consumption and payment was received for the billed units on both the account no. 301-065-207 and A/c No. 100-014-115. However, as per ledger it is observed that Meter No. 0166701 had stopped registering units consumption since June 2000. The Licensee had received the letter dtd. 21.03.2001 from complainant on 28.03.2001 to remove the meter No. 0166701 as same was not in use. On the basis of complainant's contention mentioned in the letter itself proves that meter became idle since March 2001 and as per records meter stopped registering the units consumption since June 2000. Therefore it becomes necessary to recover the claim amount for defective meter for the period from June 2000

to March 2001 for 9 months. However, as per Administrative Order No.349 A dtd. 06.01.2011, the claim was revised for Six month period prior to removal of meter.

- 7.0 Meter No. 166701 was removed on 19.04.2002. Being very old case, lab test report is not traceable.
- 8.0 The Change of name application dtd. 22.09.2011 vide ID No. 787258 was registered by the complainant. As there was a pending amendment claim of Rs. 77,513.34 (which was revised to Rs. 18,849.00) for defective Meter No. 0166701, the Change of name application was pending. Accordingly the complainant was replied against Annexure 'C'.
- 9.0 The Licensee stated that in view of above, the claim raised is proper and requested the complainant to pay the revised claim amount in order to process the case of Change of name in favour of the applicant. Thereby the Licensee prayed that the Hon'ble Forum may dismiss the grievances made by the complainant.

REASONS

- 10.0 We have heard Shri Nitin Naik for the complainant and for the Respondent BEST Undertaking Shri B. S. Khole AECCA and Shri B. R. Sawant, AAM(IGR). Perused papers placed before this forum.
- 11.0 This forum observes that, as per the contentions raised by the Respondent BEST Undertaking, after the month of June 2000 meter no. 0166701 installed in the premises of the complainant, found to be stopped working. Accordingly, vide letter dated 28/11/2001 complainant was informed. Thereafter, on 5/6/2004 amendment bill of Rs. 77513.34 for the said 'stopped meter', was sent to the complainant for a period from 17/2/2000 to 19/4/2002. The said stopped meter was removed on 19/4/2002 by the Respondent BEST Undertaking.
- 12.0 In the implementation of Administrative Order no. 349-A dated 6/1/2011, the said amendment bill came to be revised by the respondent only for 6 months i.e. for the period from 15/10/2001 to 19/4/2002 for Rs. 18849.69. Accordingly complainant was informed vide letter dated 20/12/2011 directing him to make the payment for closing the said case. In the instant complainant, the complainant has been challenging the said claim made by the Respondent being illegal.
- 13.0 This forum does not find any merit in the contention raised by the Respondent BEST Undertaking in regard to the meter no. 0166701 installed in the premises of the complainant, being found to be stopped working, as the same has stopped recording any consumption of electricity units after June 2000. The respondent further contends that the investigation of the said meter was carried out on 24/9/2001 to find the same being defective. Accordingly this forum finds a letter dated 28/11/2001 being placed on file addressed to the complainant, in this regard.
- 14.0 It is significant to note that, as observed above, the Respondent BEST Undertaking contends that the meter no. 0166701 under consideration was investigated on 24/9/2001 to find the same being stopped working. However, in the written statement placed before this forum by the respondent, it has been candidly submitted that the instant case being very old one, the lab test report in respect of the said meter no. 0166701 has not been traceable. It is therefore, explicit that no shred of cogent evidence has been placed before this forum by the respondent in support of its contention that the said meter no. 0166701 had stopped recording the consumption of electricity.

- 15.0 In counter, the complainant has been consistently contending that the meter no. 0166701 was idle. It was not in use. Respondent BEST Undertaking vide letter dated 28/8/2001 was informed by the complainant that in order to cut down the cost, the complainant has substantial down sized its operations from its office and has shifted most part of its office to suburbs. Accordingly, this forum finds the said letter dated 28/8/2001 being placed on file at page no. 5, bearing the stamp and signature of the representative of Respondent BEST Undertaking in token of acceptance of the same.
- 16.0 In this connexion, this forum finds it significant to advert to a letter dated 21/3/2001, vide which the complainant had informed the Respondent BEST Undertaking that it has stopped the using meter no. 0166701 and therefore, requested to remove the said meter at the earliest. On this backdrop, it is significant to observe that, admittedly, the Respondent BEST Undertaking has carried out the investigation of the said meter no. 0166701 thereafter on 24/9/2001 to find the same being stopped one.
- 17.0 In considered view of this forum when about 6 months earlier, the complainant had already informed the respondent about the said meter no. 0166701 being idle and requested to remove the same, therefore, the respondent BEST Undertaking ought to have investigated the said meter in presence of complainant on 24/9/2001 and in token thereto ought to have obtained a signature of the complainant or its representative on the investigation report. However, as observed above, the Respondent BEST Undertaking finds it convenient to submit before this forum that such vitally important investigation report, not being traceable as the said case is very old.
- 18.0 On one more ground, we find the said contention raised by the Respondent BEST Undertaking being very frail and unsustainable, as its meter reader on the meter reading folio has recorded reading which manifest that from June 2000, there has been no consumption of electricity. Pertinent to note that these entries are recorded for several months with the remark the same being confirmed or correct reading. This meter reading folio has been placed before this forum at page no. 17 by the respondent.
- 19.0 We therefore, find ourselves unable to ascribe any merit to such frail and fragile contention raised by the respondent in its defense. We hold that there is no any iota of evidence placed on the record to substantiate the contention by the respondent BEST Undertaking that the meter no. 0166701 was a 'stopped meter' and therefore, the complainant has been liable to pay arrears of electricity charges of Rs. 18849.69 for a period of 6 months from 15/10/2001 to 19/4/2002.
- 20.0 To reiterate, we find the electricity charges in arrears of Rs. 18849.69 claimed by the respondent from the complainant being highly unsustainable in law, as the same has not been supported any cogent evidence. Therefore, in natural consequence thereto, on this ground Respondent BEST Undertaking cannot refrain or prolong taking action on the application submitted by the complainant for incorporating the *change of name*, which has been pending before the respondent till this date.
- 21.0 Before we part with this order, this forum may advert to another significant piece of evidence placed on file by the respondent viz ledger folio at page no. 13 and 14, therein, we find that from the month of June 2000 onward meter no. 0166701 has not recorded any consumption of electricity on the part of the complainant. Prior to June 2000, there has been some consumption of electricity unit through the said meter. On the contrary, it is observe that in the columns provided for arrears and net bill in the ledger folio, we find

some amount being standing in credit to the complainant till the date of removal of the meter.

- 22.0 To conclude, we find the instant complaint being liable to be allowed alongwith prayer made therein. Accordingly, we proceed to pass the following order.

ORDER

- 1.0 The complaint no. S-A-169-2012 dated 17/10/2012 stands allowed.
- 2.0 This forum hereby declare that the amount of Rs. 18849.60 claimed by the respondent BEST Undertaking from the complainant being unsustainable in law and fact. Accordingly, the respondent has been restrained from recovering the same from the complainant.
- 3.0 As there is no any charges of electricity in arrears, therefore, the respondent has been directed to act on the application submitted by the complainant for effecting the *change of name* provided the complainant compliances with the rest of the compliances as provided in the concerned law and regulations.
- 4.0 The respondent has been directed to inform this forum the compliances of this order within a period of one month therefrom.
- 5.0 Copies be given to both the parties.

(Shri S M Mohite)
Member

(Shri M P Thakkar)
Member

(Shri R U Ingule)
Chairman