

**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. S-B-55-08 dt . 13/10/2008**

Shri. Chetan Dhirajlal Bhayani .....Complainant

V/S

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

**Present**

Quorum  
1. Shri. M.P. Bhave, Chairman  
2. Shri. S. P. Goswami, Member  
3. Smt. Vanmala Manjure, Member

On behalf of the Complainant 1. Shri. Chetan Dhirajlal Bhayani  
2. Shri. Riyaz A. I. Dimtikar

On behalf of the Respondent Shri. M.D. Sanap

Date of Hearing: 11/11/2008

**Judgment by Shri. M.P. Bhave, Chairman**

Shri. Chetan Dhirajlal Bhayani, Yusuf Meher Ali Road, Mumbai – 400 003 has come before this Forum for his grievance regarding amendment claim of Rs.88,653.93 shown as outstanding in electricity bill.

### **Brief history of the case**

- 1.0 Shri. Chetan Dhirajlal Bhayani, Yusuf Maher Ali Road, Mumbai-400003 applied to BEST for change of name in respect of A/c No. 403-087-031 on 23/11/2006.
- 2.0 The complainant was informed to settle the amendment claim of Rs.88,653.93 of old consumer Shri. V.N.Thakar, Hingwala & Sons, for the period from 17/10/1995 to 16/03/1998 towards defective meter G922899 vide letter dated 08/12/2006 as per BEST.
- 3.0 The complainant registered their grievances in Annexure 'C' format on 11/02/2008 for effecting change of name and withdrawing the amendment claim of old consumer.
- 4.0 BEST in reply to Annexure 'C' on 20/02/2008 mentioning that necessary action in respect of change of name is been taken by their office and same will be appeared in ensuing bills. Further, regarding amendment claim was informed that proposal is being put up for management decisions and the same will be intimated in due course.
- 5.0 On 28<sup>th</sup> May 2008 BEST has informed in reply to information sought by the complainant through RTI for getting copy of the proposal put up to management for settlement of amendment claim that the copy of the same can be taken from BEST's office at Colaba, after necessary comments during office hours.
- 6.0 On 08/07/2008 complainant again followed up with BEST for redressal of their complaint in Annexure 'C' format.
- 7.0 Unsatisfied by the action taken by BEST against their complaint in Annexure 'C' format the complainant lodged their grievances with CGR Forum in Annexure 'A' format on 13/10/2008.

### **Consumer in his application and during Hearing stated the following**

1. The complainant had purchased premises on 1/9/2006. Complainant showed the receipt of deposit and rent issued to him.
2. He had applied for change of name on 23/11/2006 vide requisition No.1441 dtd. 23/11/2006 and deposit Receipt No.17152 dtd 23/11/2006.
3. As per complainant BEST has not taken immediate action for change of name. The complainant had lodged his grievances to the complaint officer, B-ward, BEST vide his letter dtd. 11/02/2008 in Annexure 'C' stating to effect his name on Electricity Bill and to remove the remark of claim of Rs.88,653.93 shown as outstanding on his Electricity Bill.
4. The Administrative officer, B-Ward informed him vide his letter No.DECC(S)/AOCCB/C-FORM/031/08 dtd. 20/02/2008 that necessary action in respect of change of name is being taken by his office and will be appeared in ensuing bill and the claim is being put up for Management's decision and the same will be

intimated to him in due course. However, only change of name effected and he had not heard anything about claim till now.

5. Complainant states that he has not received any letter dtd. 8/12/2006 from BEST about non settlement of amendment claim amount Rs.88,653.93.
6. Complainant came to know the amendment claim amount of Rs.88,653.93 after 2007.
7. As per complainant this claim amount pertains to old consumer V.N. Thakkar Hingwala & Sons for a period from 17/10/1995 to 16/03/1998, which was a very old period and it is also time bar.
8. Complainant states that BEST has not given test report of defective meter no. G922899. Also after replacement of defective meter no. G922899 on 16/3/98 by new meter no. B972461, there was nil consumption upto 7/3/2005 i.e. upto removal of meter. Complainant demands to remove the outstanding claim which appears on his bill.
9. He inquired about his grievances to the department and asked copy of proposal put before Management vide his letter dtd. 30/04/2008 under Right To Information Act. He had received copy of same proposal from BEST reference No DECC(S)/AECCB/AMEND/120/08 dtd. 14/05/2008.
10. He had requested vide his letter dtd. 8/7/2008 to BEST regarding review of amended claim of Rs.88,653.93.
11. On enquiry with Department it was told that said proposal is pending with DCECC(S) since long period. For what reason, nobody knows.
12. Unsatisfied by the action taken by BEST against their Complaint in Annexure 'C' format the complainant lodged their grievances with CGR Forum in Annexure 'A' format on 13/10/2008.
13. Hon'ble Forum is requested to hear his grievances as per MERC Regulations 2005 and Electricity Act 2003 and issue instruction to the BEST Undertaking to cancel amended claim of Rs.88,653.93 & to remove the remark shown in his electrical bill i.e. outstanding claim of Rs.88,653.93.

**BEST in its written statement and during Hearing stated the following:**

1. Shri. Chetan Dhirajlal Bhayani applied for change of name in respect of Account No.: 403-087-031 which was registered vide receipt No.3085 dated 23/11/2006. However, there was unsettled amendment claim of Rs.88,653.93, therefore, consumer was informed vide letter dated 08/12/2006 about non settlement of above mentioned amendment claim.
2. During routine investigation on 13/01/1998, Meter No.G922899 was found stopped with connected load of 1 Nos. A.C.(1.5 Ton) & another Meter

No.G921208 was found working on OLT with connected load of 8 Nos. Tube lights & 4 Nos. Fans. Hence, defective meter No.G922899 was replaced by new meter No.B972461 on 16/03/1998 & account was amended.

Again both the meters were investigated on 11/03/2004 & during the investigation:

a) Meter No.G921208 was found working slow with connected load of 2 Nos.Wall Fans, 9 Nos. Tube lights, 21 Nos. Fans & 6 Nos. Spot Lights, therefore, was replaced by new meter No.D030854 on 21/04/2004. As per O.T. Report dated 21/04/2004, Meter No.G921208 found O.K. hence, there was no amendment for this meter.

b) Consumer's another meter No.B972461 was found working on OLT and supply found disconnected. Hence, as per consumer's request said meter was removed on 07/03/2005.

3. While going through the consumption pattern it is noticed that defective Meter No.G922899 shows drop in consumption from December 1995 to June 1996 at the average of 173 UPM. It shows nil consumption from 16/08/1996 till replacement of meter i.e. 16/03/1998. Prior to August 1996 meter shows average consumption of 390 UPM based on period from 10/12/1994 to 18/06/1996. Meter was replaced for the reason stopped on 16/03/1998 by new meter No.B972461. After replacement new meter No.B972461 also shows nil consumption from 16/03/1998 to 07/03/2005 i.e. upto a removal.

As per consumer's letter dated 05/03/2004 he was using supply from Meter No.G922899 for Air Conditioner upto December 1995. There after he stopped using supply for Air Conditioner purpose. The consumer's another meter No.G921208 shows regular consumption @ avg. of 180 UPM during amendment period and after that it shows drop in consumption @ 86 UPM during base period of 20/02/1998 to 19/06/2000 & 36 UPM during base period of 19/06/2000 till the date of replacement i.e. 21/04/2004. After replacement new meter B030854 shows avg. consumption of 44 UPM during base period of 21/04/2004 to 15/02/2007.

The details of the amendment claims preferred to consumer was as under:-

Name of the consumer (Old)	: V.N. Thakkar Hingwala & Sons.
Bill No.	: 403-087-031*6
Meter No.	: G922899(Old)/B972461 (New)
Amendment period	: 17/10/1995 to 16/03/1998
Base Period	: 14/02/1995 to 17/10/1995
Average	: 623 UPM
Claim Amount	: Rs.88,653.93
Claim preferred on	: 9 <sup>th</sup> April 2001

4. The consumer disputed the claim and submitted the complaint in 'C' Form on 11/02/2008 requesting to effect the change of name also.
5. BEST replied to the consumer vide letter No.DECC(S)/AOCCB/C-Form/031/08 dated 20/02/2008 that the necessary action regarding change of name is being taken and proposal for amendment claim is also being put up to management's approval. Accordingly the Name has been changed and proposal has also been put up to management and decision is awaited.
6. Office Supdt. Customer Care, B-Ward (OSCCB2) had already put a proposal to management for approval and necessary action to delete the claim from bill will be taken after management's approval. Therefore, it is prayed before Hon'ble Forum that complainant may be asked to wait till the decision is received.
7. BEST states that they have not harassed complainant by disconnecting electric supply even though he had not paid the amended bill of Rs.88,653.93.

### **Observations**

1. As per the documents submitted by BEST, the old consumer Shri V.N. Thakkar Hingwala & Sons was intimated the claim amount on 9/4/01 ,but till 1/9/06 BEST has not taken any action on old consumer.
2. There is delay for one year to change the defective meter no.B972461.
3. BEST has not solved the grievances of complainant in Annexure 'C' format within 2 months. However, BEST replied to the consumer on 20/02/2008 stating that the necessary action regarding change of name is being taken & proposal for amendment claim is also being put up to management for approval. But there is no specific decision taken even after 8 months, which is against the MERC Regulations.
4. Forum did not find the notice of claim on front page of the bill but it was on the back side of the bill that too in very small letters. There is a possibility of being over sighted the notice by the consumer (which has happened in present case). Hence the Forum feels that it should be on the front side of the bill and it should be in BOLD letters.
5. The defective meter No. G922899 (old meter) was replaced with meter No. B972461 (new meter) on 16/3/1998 by BEST for which test report was not given to the complainant.  
There was nil consumption recorded by the old meter for the period from 16/8/1996 to 16/3/1998. Also after replacement of old meter there was nil consumption from 16/3/1998 to 7/3/2005 i.e upto removal of meter. i.e. from 16/8/96 to 7/3/05 there is nill consumption.
6. Therefore there is no valid reasons for the amendment.

**ORDER**

1. BEST is directed to withdraw the amended claim amount in full.
2. Copies be given to both the parties.

(Shri. M. P. Bhave)  
Chairman

(Shri. S. P. Goswami)  
Member

(Smt. Vanmala Manjure)  
Member