

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)-66-09 dt . 06/03/2009

Shri. D.Ramshankar,Complainant

V/S

B.E.S. & T. UndertakingRespondent

Present

Quorum

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

On behalf of the Complainant Shri. J.P.Singh

On behalf of the Respondent

1. Shri. V.R.Parate, Suptd.CC(G/N)
2. Shri. P.S.Deshpande, AOCC(G/N)

Date of Hearing: 02/04/2009

Judgment by Shri. M.P. Bhave, Chairman

Shri. D.Ramshankar, Dharavi, Mumbai – 400 017 has come before this Forum for his grievance regarding outstanding of A/c no. 781-391-001 and reconnection of electric supply.

Brief history of the case

- 1.0 The A/c no. 781-391-001 stands in the name of Mr. D. Ramshankar who was using electric supply for Commercial purpose through two electric meters i.e. (1) E823702 & (2) D916427.
- 2.0 The Meter no. E823702 was replaced by Meter no. E942785 on 21/7/1994 and was recording steady consumption pattern till date of removal i.e. 8/4/1999 and there is no dispute by the consumer. Whereas the other Meter no. D916427 was showing nil consumption from Sept.' 96 to Aug.' 98 and then started recording the consumption.
- 3.0 As consumer had not made any payment after Feb.'98, both the meters were removed on 8/4/1999 for non payment of electricity bill.
- 4.0 Consumer approached BEST for reconnection of electric supply on 23/9/2008. However, BEST asked him to pay outstanding arrears of Rs.3.5 lacs for getting the reconnection.
- 5.0 The Consumer Mr. D.Ramshankar has disputed regarding Outstanding of A/c no. 781-391-001 and Reconnection of Electric supply and approached regarding their grievances to IGR Cell of BEST on 18/11/2008.
- 6.0 Respondent had forwarded detail reply to complainant vide letter dt. 20/01/2009 that BEST is ready to waive delayed payment charges of Rs.61,047.82 and further informed that Reconnection of Electricity supply will proceed after payment of Rs.2,89,055.65.
- 7.0 Unsatisfied by the reply given by IGR Cell of BEST the complainant approached CGR Forum on 4/3/2009.

Consumer in his application and during Hearing stated the following

- 1.0 Complainant said that he has requested vide annexure 'C' dated 18.11.08, to the concerned authority of BEST to correct his Electricity bill No.781/391/001.in annexure 'C'. He has informed them about wrong billing and shown his willingness to pay the bill for the electricity used by him.
- 2.0 In reply BEST has informed vide letter dtd. 20.01.2009 that they are ready to waive the delayed payment charges of Rs. 61,047.82 with the condition that he should pay Rs.2,89,055.65.
- 3.0 He wanted to bring to attention of Forum that this kind of behavior of BEST Officials is unacceptable, to him as he had only requested to correct the wrong bill giving him the details of the same.
- 4.0 He had applied for Electricity connection vide Requisition no. 70905310, when BEST had asked him to pay outstanding amount of Rs.3.61 lakh.

- 5.0 As per his knowledge he has cleared his all bills up to Feb'98 and his meter was removed in year 1999, so it was practically impossible that he used the electricity of Rs.3.61 Lac in one year.
- 6.0 He was using electric supply through two Meters. He was billed correctly upto Oct.'96, but thereafter BEST has started sending wrong bills. Out of two meters, one meter was read and billed regularly, whereas the other meter was not read and not billed for many years. Suddenly in Oct.'98 BEST has sent the accumulated bill for 8500 units and the same was disputed by him at that time.
- 7.0 To his surprise without solving his accumulated bills problem, BEST has forwarded wrong bill of 4000 units in Dec.'98. And again in Feb.'99 BEST has forwarded the bill for 12510 Units and in April'99 for 2795 units. He think that the meter which was recording such a huge units must be defective and the same must be tested by BEST.
- 8.0 As it was not possible for him to pay such huge bill which was totally incorrect, BEST has removed his meter for non payment of electricity bill.
- 9.0 The BEST has first forwarded wrong bill of huge amount in 98-99. Then removed the meter for non-payment of bill without correcting the bill.
- 10.0 And lastly he has requested to correct his bill through Annexure `C' dt.18.11.2008, and BEST has sent the reply "The delayed payment of Rs.61,047.82 after removal of meter will be waived if you paid the balance amount of Rs.2,89,055.65".
- 11.0 Now he kindly requested to Forum for considering his complaint which he has attached with Annexure `C' with a small alteration i.e. at the time of application under Annexure `C'. He was ready to pay the bill for the electricity used by him, but now after giving chance to BEST for the correcting the bill, he requested Forum to cancel all the Outstanding bill and ask BEST to reconnect the electric supply to his premises.

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

1. The Consumer Mr. D. Ramshankar has disputed regarding Outstanding bill of Rs.3,50,103.47 of A/C. no. 781-391-001 and Reconnection of Electric supply vide Annexure `C' dt.18.11.2008.
2. On scrutiny of our records it was observed that consumer's both meters were removed on 08.04.1999 for non payment of bill but as account was not deleted from Master File, the Delayed Payment charges were levied up to March 2000. Therefore after Audit scrutiny it was decided to waive the Delayed Payment charges levied after April'99. The detail information regarding waiver of Delayed Payment charges was sent to consumer vide letter dt. 20.01.2009.

3. All cooperation was given to consumer to solve his problem of Outstanding of A/c. no. 781-391-001 and Reconnection of electric Supply. They had already informed to consumer vide their letter dt. 20.01.2009 that they are ready to waive Delayed Payment charges of Rs.61,047.82 and further informed that Reconnection of Electric supply will proceed after payment of Rs.2,89,055.65.
4. Both meters were removed on 08.04.1999 for non payment of bill, As consumer has failed to pay his current bill, And after lapse of Eight years the consumer has applied for Electric Connection vide Requisition no. 70905310 and as per their normal practice the Outstanding bill of old account was handed over to consumer.
5. The Meter no. D916427 was showing nil consumption from Sept.'96 to Aug.'98 and then started recording the consumption. As such the consumer was paying the bill for the consumption of one meter only and stopped the payment when billing of 2nd meter was started. As consumer was not billed on 2nd meter for many years, the bill sent to consumer in Oct.'98 was 8541 Units due to accumulation of units. Also it may be noted that Outstanding bill of Rs. 3.50 Lacs includes the Delayed Payment charges of Rs. 92,000.00 approximately.
6. The history of the replacement of the Meter is as follows:

Sr.No.	Meter No.	Install Date	Removal Date
1	D916427	30.12.1993	22.09.1994
2	L851918	22.09.1994	06.08.1995
3	L810610	06.08.1995	13.12.1995
4	903770	13.12.1995	07.04.1996
5	L913145	07.04.1996	29.08.1998
6	L982255	29.08.1998	09.12.1998
7	L983770	09.12.1998	08.04.1999

7. Due to frequent replacement of Meters and due to Administrative reasons all the Meters could not appear on the Master Tape. Hence the Meter no. D916427 which was initially installed at Sr.No.1, above remains unchanged from Master Tape.
8. The consumer was billed in Oct.'98 for accumulated 8541 Units. During the next month i.e. in Dec.'98 out meter reader could not read the meter and Unread 4000 units bill was send to consumer. In Feb.'99 Meter reader has brought the reading as 10938 and the bill for 12510 units was forwarded to consumer. The Meter were removed on 08.04.99 and reading was noted as 13733 and therefore the bill for 2795 Units was send to consumer in April'99. Further they would like to inform that at the time of removal of meter, both the meters were found O.K.
9. As consumer has not made any payment after Feb.'98, both the meters were removed on 08.04.99 for non payment of electricity bill.

10. The Consumer Mr. D. Ramshankar has disputed regarding Outstanding of A/c no.781-391-001 and Reconnection of Electric supply vide Annexure `C` dt.18.11.2008. We have forwarded our detail reply to consumer vide letter dt. 20.01.2009 that we are ready to waive Delayed Payment charges of Rs. 61,047.82 and further informed that Reconnection of Electric will proceed after payment of Rs.2,89,055.65.
11. From above explanation it is clear that BEST is asking to consumer to pay only electricity charges, which is used by the consumer and ready to waive delayed payment charges after removal of meter.
12. BEST request to Hon'ble Forum to ask the complainant to pay the balance outstanding of Rs.289055.65 to enable them to reconnect the electric supply.

Observations

1. Complainant's both the meters were removed on 8/4/1999 for non payment of electricity bill after Feb. 1998.
2. Complainant has approached respondent for reconnection of electricity on 23/9/2008 i.e. after a gap of about 9 years.
3. For reconnection of electric supply respondent asked complainant to pay outstanding arrears of Rs.3.5 lacs. However, later respondent informed the complainant to pay Rs.2,89,055.65/- which is excluding DP Charges of Rs.61,047.82/- after removal of meter. However, the amount of Rs.2,89,055.65 includes D.P. Charges of Rs.92,000/- which is before removal of meter. Hence net amount payable excluding the D.P. Charges of Rs. 92,000/- from Rs.2,89,055.65 is Rs.1,97,055.65. Further as per the Procedure Order No. 164 dtd.17.03.2009, G.M. BEST has approved a proposal to waive the DP Charges & interest charges on arrears of the consumers whose meter is removed prior to 1st October 2006 for non payment.
4. As per complainant he was billed correctly upto Oct. 1996. However, as per ledger position before 1996 also he was not paying his electricity bills regularly.
5. As per respondent connected load at complainant's premises was 15 KW during the disputed period.
6. Complainant during the hearing could not show any documentary evidence regarding approaching respondent for wrong billing & therefore was asked to provide the same within 3 days. Complainant wrote a general letter but did not submit any documentary evidence.
7. In view of above observations complainant is liable to pay Rs. 1,97,055.65 to the respondent. However, considering that one of the meter was replaced frequently & the case is quite old the some concession should be given to the complainant as regards to the payment of arrears.

ORDER

1. Complainant is directed to pay Rs.25,000/- to the respondent.
2. Respondent is directed to give electricity connection to the complainant after receipt of Rs.25,000/-.
3. Respondent is directed to recover balance arrears of Rs.1,72,055.65/- (Rs.1,97,055.65 - Rs.25,000 = Rs.1,72,055.65) in 7 equal monthly installments from the complainant. If the complainant pays first 6 installments regularly, balance 1 installments be waived.
4. Copies be given to both the parties.

(Shri. M. P. Bhave)
Chairman

(Shri. S. P.Goswami)
Member

(Smt.Vanmala Manjure)
Member