

**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)-130-2011 dt. 15-11-2011**

Mr. Haresh G. Savla .....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 Haresh G.savla

On behalf of the Respondent : 1. Shri. P.S.Deshpande , A.O.C.C. (G/N)  
2. Shri. M.S.Barabde , S.E.C.(G/N)

Date of Hearing : 23-12-2011

Date of Order : 26-12-2011

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

Mr. Haresh G. Savla, 48, 4<sup>th</sup> flr, Bismillah Bldg., Ranade Road, Dadar, Mumbai - 400 028 has come before the Forum for his grievances regarding High bill of A/c no. 613-255-505; Meter no. N023940.

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

1. The complainant has approached to IGR Cell of the Respondent on 29.07.2011 for his grievances regarding High bill of A/c no. 613-255-505; Meter no. N023940.
2. Not satisfied with Respondent's IGR Cell reply dtd. 26/08/2011, the complainant approached to CGRF in schedule 'A' on 11-11-2011. He has requested the Forum to amend the bills for a period of 3 months as per the provisions of MERC Regulations.

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

3. The meter no. M030601 under A/c No. 613-255-505 was installed on 29.12.2003 and was replaced by meter no. N023940 on 06.06.2008.
4. The consumer was billed correctly on actual reading upto bill period ending 01.10.2008. Thereafter, as the display of the meter was showing error, the meter reader could not take the reading of the meter. Consequently, the average bills of 1000 units per month were sent to the consumer from November 2008 to June 2011. The last bill for average 1000 units was sent to the consumer in May 2011. At that time the assumed reading was 65709.
5. When the case was referred to our Vigilance Dept. for clearance for replacement of meter; they have checked the meter with CMRI-(Common Meter Reading Instrument) and informed that the actual reading recorded on the meter is 1,65,230 as on 18.06.2011.
6. The bill for July 2011 amounting to Rs. 9,24,565.00 was preferred based on above actual reading recorded in the meter. The applicant has requested that he should be charged 3 months only as per Regulation 15.4 of the Maharashtra Electricity Regulatory Commission (Electric supply code and other conditions of supply) Regulation 2005.
7. Details of downloaded reading are enclosed herewith for your ready reference. It can be seen that there was under billing of 99521 units.
8. As per our record, we have sanctioned the meter for a load 7.04 kW. However, it was observed from the load survey downloaded from the meter that the consumer was using load ranging from 14.4 kW to 28 kW. This shows that, he was using much higher load than the sanctioned load. Hence he was aware of the actual bill would be served to him & he is liable to pay the same. Moreover the bill preferred to him in July 2011 for amounting to Rs. 9,24,565/- was based on the actual reading recorded by the meter.
9. In view of the above, the consumer may be directed to pay the arrears of Rs.11,00,185.00 as a legitimate amount payable to the BEST Undertaking.

REASONS :

10. We have heard the complainant in person and representative Shri. P.S.Deshpande, A.O.C.C. (G/N) and Shri. M.S.Barabde, S.E.C.(G/N) of the Respondent BEST Undertaking. Perused documents.
11. We find the case on our hand, being an open and shut case. As submitted on behalf of the Respondent BEST Undertaking the complainant has been sanctioned a load of 7.04 MD (kw), while it has been found that the load being used has been within a range of 14.4 to 28 MD (kw). Therefore, an officials of the Respondent BEST Undertaking found an unauthorized extension of load case along with a case of under billing, on the part of the complainant. The Respondent BEST Undertaking therefore proposed to initiate an action against the complainant envisaged u/s 126 of the Electricity Act, 2003, also.
12. This forum finds the correspondence being placed before it exchanged between a Customer Care G/N ward and Vigilance Depts. for proceeding against the complainant u/s 126 of Electricity Act, 2003. Accordingly, the representative Shri P.S. Deshpande, A.O. C.C. (G/N) has candidly submitted before this forum the action to be taken against the complainant u/s 126 of Electricity Act, 2003 in the near future. At this juncture, I may observe that to begin with, we find the Respondent BEST Undertaking had directed the complainant to pay an amount of Rs. 9,24,565 on account of under charging the complainant during the period from 02/10/2008 to 18/06/2011 and later on to proceed against the complainant u/s 126 of the Electricity Act, 2003.
13. At this juncture it is vitally important to note that as contemplated under Regulation 6.8 provided under the MERC (Consumer Grievances Redressal Form and Electricity Ombudsman) Regulation, 2006, this forum has been debarred from entertaining a case of an *unauthorized use of electricity* as provided u/s 126 of Electricity Act, 2003. As envisaged under said Regulation, this forum may on its *prima facie* view refrain from entertaining such case of *unauthorized use of electricity* for want of jurisdiction. However, in the matter on our hand, it has been a submission made on behalf of the Respondent BEST Undertaking and documentary evidence placed before us, to point out the action being initiated against the complainant u/s 126 of the Electricity Act 2003. We may further observe that it has been submitted on behalf of the Respondent BEST Undertaking that the period of *under charging* the complainant and *unauthorized use* of electricity envisaged u/s 126 of Electricity Act, 2003 has been overlapping.
14. In the considered view of this forum, it is incumbent on the part of Respondent BEST Undertaking to segregate and separate the period to be considered for under charging and the period to be considered for taking action u/s 126 of the Electricity Act, 2003. At this moment no separation of the period has been placed before this forum, on behalf of the Respondent BEST Undertaking. Under such peculiar given set of facts, this forum refrain from entertaining the instance case for want of jurisdiction.

15. We may further observe that the complainant would be at liberty to approach this forum after facing the action which would be taken by Respondent BEST Undertaking against him u/s 126 of Electricity Act, 2003, for the remaining period considered for *under charging* by the Respondent BEST Undertaking.
16. For the aforesaid reason and discussion for want of jurisdiction the present complaint needs to be dismissed and accordingly we do so.

**ORDER** :

17. The complaint no. N-G(N)-130-2011 dt. 15-11-2011 stands dismissed.
18. Copies be given to both the parties.

(Smt. Varsha V Raut)  
Member

(Shri. S P Goswami)  
Member

(Shri. R U Ingule)  
Chairman