

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-F(N)-132-2012 dt . 18-01-2012

Mr. Kapil K. ParatwarComplainant

V/S

B.E.S.&T. UndertakingRespondent

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. Kapil K. Paratwar

On behalf of the Respondent : 1. Shri. V.P.Sawant, AOCCFN
2. Shri. M.S.Zajam, DYECCFN

Date of Hearing : 15/02/2012

Date of Order : 29/02/2012

Judgment by Shri. R.U. Ingule, Chairman

Mr. Kapil K. Paratwar, 202, 56-B, Chintamani CHS, Pratiksha Nagar, Sion (E), Mumbai - 400 022 has come before the Forum for his grievances regarding incorrect bill and change of consumer number pertaining to A/c no. 784-800-006.

Complainant has submitted in brief as under :

- 1.0 The complainant has approached to IGR Cell on 09/11/2011 regarding his grievance of change in consumer number and inflated bill. The complainant has approached to CGRF in schedule 'A' on 17/01/2012 as no remedy is provided by the Distribution Licensee regarding his grievance. The complainant has requested the Forum regarding correction in consumer number and inflated electricity bill.

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

- 2.0 On 26th July 2011, Shri K.K. Paratwar made complaint No. 740611 (Exh-'B') stating that he had purchased Shop from MHADA which is closed & he has not used electricity. However, bill for May 11 is for Rs.413/- & is paid by him, bill for June 11 is not received & bill for July 11 is Rs.2,697/- for 333 Units even, when he has not used single unit, A/c. No. 784-800-026 is changed and it was observed that, when main switch of his Gala No. 003 is switch-off, the supply towards gala do not get disconnected.
- 3.0 In view of above, site investigation was carried out on 06.08.2011. As per the investigation report (Exh-'C'). Meter No. E092762 is existing for Shop No.3. The wires outgoing from this meter for consumption of electricity are connected to Main Switch No. S-3. However, consumers supply could not be disconnected by switching off Switch No. S-3. Further, it was revealed that, consumers supply to Shop gets disconnected when main Switch No. S-4 is switched off. This concludes that, consumer was using supply through Main Switch No. S-4 which was connected to Meter No. E092755, which do not belong to him. A/c. No. 784-800-007*9 is changed to 784-800-006*7 by virtue of change of name.
- 4.0 Consumer was informed vide letter No. CCFN/Adm.43/12387/2011 dtd. 23.09.2011 (Exh- 'D') to rectify the interchange in consumers Main Switch.
- 5.0 The interchange was observed in consumer's Main Switch for which BEST Undertaking is not responsible and the Consumer got the interchange in connection rectified through MHADA Electrician, subsequent to our Letter No. CCFN/Adm.43/12387/2011 dtd. 23.09.2011.
- 6.0 Consumer approached under Annexure 'C' vide their application dtd. 09.11.2011 wherein he has mentioned that after updating name in records 'Consumer No.' has been changed from 784-800-007 to 784-800-026. Bill for Rs.2,697/- was received in July 2011 even when actual consumption was Zero Unit as Shop was not in use from the time he got possession from MHADA. In response to the complaint No. 740611 dtd. 26.07.2011 of the consumer, Undertaking had send letter to the consumer to get the Interchange in the Main

Switch rectified. After this rectification, consumer received bill of Rs.3,549/- for the month of Sept. 2011.

- 7.0 In our reply to Annexure - 'C' vide our letter under Ref. DECC(F/N)/Annex-55/1312/2012 dtd. 23.01.2012, consumer was explained the above facts & consumer had personally visited our Office on 23.01.2012, and above facts were also explained to him. He was satisfied; however, he wanted to consult his family.
- 8.0 Regarding the points raised in the complaint under Schedule 'A' we have to state that consumer A/c. No. 784-800-007 have changed to 784-800-006 as per the procedure in system i.e. A/c. No. changes on updating name in records in case of 'Change of name'. There is no error in billing for both the A/c. Nos. 784-800-007 & 784-800-006. Correction in name & subsequent change in A/c. No. has no connection with billing amount.
- 9.0 In view of the above facts and the observations given above, the electricity bills raised by the Undertaking are correct and the consumer is therefore, liable to pay the bills. The Hon' ble Forum is therefore, requested to pass the order in favour of the BEST Undertaking.

REASONS :

- 10.0 We have heard the complainant in person and for Respondent BEST Undertaking Shri V.P.Sawant, AOCCFN & Shri. M.S.Zajam, DYECCFN at length. Perused papers.
- 11.0 The present matter found by us being an open and shut case. Admittedly, the complainant has been owning a shop no. 3 provided with a meter no. E092762. The said shop premises has been purchased by the complainant from MHADA. Initially the said electric meter was standing in the name of officials of the MHADA. Later on the complainant applied for change of name and the same was affected and accordingly from the months of June 2011 the complainant has been receiving electricity bills in his name.
- 12.0 The complainant found that despite not using any electricity in his shop premises no. 3, his meter was recording consumption of electric supply and he was charged for the same. The complainant therefore lodged a complaint with the officials of the Respondent BEST Undertaking. Admittedly, the officials of the Respondent BEST Undertaking checked the premises and the meter and found that the electric meter provided to the complainant was supplying electricity to the other shop and therefore recording the consumption of electricity used in the said shop. Accordingly, the complainant was informed to make the necessary arrangement for changing the electric connection.

- 13.0 Admittedly thereafter the complainant corrected the electricity supply connection through the electrician of MHADA. After such correction of electricity supply connection, now complainant does not have such grievance.
- 14.0 The Respondent BEST Undertaking therefore vehemently submitted that due to error on the part of the complainant main switch of the complainant was supplying current to some other shop. Therefore it is complainant who is required to be blamed for such error and lapses. The officials of the Respondent BEST Undertaking in support of its submission placed a heavy reliance on a definition of “*point of supply*” provided under Regulation 2.1(t) and it runs as under :

Regulation 2.1 (t) :- “Point of Supply” means the point at the outgoing terminals of the Distribution Licensee’s cutouts fixed in the premises of the consumer.

- 15.0 The Respondent BEST Undertaking also placed a reliance on Regulation 9 in respect of wiring of consumer’s premises and it runs as under :

Regulation 9 :- Wiring of consumer’s premises - The work of wiring at the premises of the consumer beyond the Point of Supply, shall be carried out by the consumer and shall conform to the standards specified in the Indian Electricity Rules, 1956 until the introduction of any rules or regulation for the same under the provision of the Act.

- 16.0 This Forum therefore, finds that as admitted by the complainant, he has corrected the wiring through the electrician of the MHADA and thereafter he is not having any complaint about the reading recorded by the meter assigned to him. Taking into consideration the provision provided under the regulation referred to above which are statutory in nature, no blame can be ascribed to the Respondent BEST Undertaking for serving electricity charges bill on the complainant for the units recorded by the meter no. E092762 provided to him.
- 17.0 But that does not put an end to the matter. In considered view of this forum, a fact emanating from this matter, bluntly manifest that for the lapses and error on the part of the concern officials of the MHADA, the present complainant has been made to suffer. Despite not consuming a single unit of electricity, complainant is required to pay the bills, including a delayed payment charges and interest thereon. To mitigate said hardship this Forum finds every warrant and justification to waive the delayed payment charges and interest levied on the charges in arrears to be paid by the complainant.

18.0 In the aforesaid observation and discussion, we proceed to pass the following order.

ORDER

1. Complaint no. N-F(N)-132-2012 dtd. 18/01/2012 stands partly allowed.
2. The Respondent BEST Undertaking has been directed to waive the delay payment charges and interest and recover only the charges towards electricity consumed by the complainant, allowing the complainant to pay the bills within a period of a fortnight from the date of receipt of this order by him.
3. The compliance of this order be informed to the Forum, within a period of one month there from.
4. Copies be given to both the parties.

(Smt Varsha V Raut)
Member

(Shri S P Goswami)
Member

(Shri R U Ingule)
Chairman