

**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. N-G(S)-163-2012 dtd. 09/08/2012**

Smt. Laxmi C. Sayanna .....Complainant

V/S

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

**Present**

Quorum : Chairman  
Shri R U Ingule, Chairman

Members  
1. Shri M P Thakkar, Member  
2. Shri S M Mohite, Member

On behalf of the Complainant : 1. Shri. Sunil H. Pawar  
2. Shri Naresh K. Sayanna

On behalf of the Respondent : 1. Shri. A.S. Sawakhande, decc(G/S)  
2. Shri. S.B. Lande, AECC(G/S)  
3. Shri. P. Amberkar, AAO (G/S)

Date of Hearing : 11/09/2012

Date of Order : 26/11/2012

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

Smt. Laxmi C. Sayanna, Room no. 255, Ground flr., Mahalaxmi Dhobighat, Dr. E. Moses Road, Jacob Circle, Mumbai - 400 011 has come before the Forum for Dispute regarding provisional claim for unauthorized use of electric supply pertaining to A/c no. 532-151-173.

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

- 1.0 The complainant has approached to IGR Cell on 02/11/2011 for wrongly debited amount of some another account to be credited back to her account. The complainant has approached to CGRF in schedule 'A' dtd. 06/08/2012 (received by CGRF on 07/08/2012) as no remedy is provided by the Distribution Licensee regarding his grievance. The complainant has requested the Forum to credit back the amount pertains to some other account which is falsely debited in her account.

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

- 2.0 Initially meter No.M090194 was installed under consumer A/c.No.532-151-173 on 6.7.2009 in the name of Laxmi Chota Sayanna situated at 255, Grd. Floor, Mahalaxmi Dhobi Ghat, Dr. E. Moses Road, Jacob Circle, Mumbai-11 under `Commercial' tariff.
- 3.0 During site inspection carried out by our staff on 2.8.2010, it was noticed that supply through meter M090194 under consumer A/c.No.532-151-173 which is in the name of Smt.Laxmi Chota Sayanna was being extended for commercial purpose to the premises of Shri Kalluri Sayanna who was earlier having consumer A/c.No.532-153-103, of which electric supply was disconnected on 14.9.2010 for non-payment of outstanding amount of Rs.5,79,517.98.
- 4.0 A case of unauthorized use of electricity was registered under Section 126 of Electricity Act,2003 against Smt. Laxmi C. Sayanna and claim was worked out on the basis of relevant information. Vide our letter No.CC(G/S)/Opex-106A/38410/2010 dated 20.12.2010 complainant Smt. Laxmi C. Sayanna was informed to make payment of outstanding amount of Rs.54,297.46 under consumer A/c.No.532-153-103 for the period 2.8.2009 to 2.8.2010 as per Section 126 of Electricity Act,2003.
- 5.0 As the complainant has not paid the claimed amount the same was debited in his bill for the month of January,2011. The complainant has paid the said claim amount in the month of April,2011. Further the outstanding amount of Rs.6,91,003/- of complainant's A/c.No.532-153-103 of Shri Kalluri Sayanna was debited in the month of December,2011 in complainant A/c.No.532-151-173 because the electric supply to the said premises was found 'ON' through A/c.No.532-151-173 which was in complainant's mother's name Laxmi C Sayanna.
- 6.0 As complainant of A/c.No.532-153-103 is not paying the outstanding amount of Rs.6,91,003/- against electricity consumed by him and using electric supply from A/c.No.532-151-173, hence we have debited the said amount in her account.

**REASONS :**

- 7.0 We have heard Shri. Sunil H. Pawar and Shri Naresh K. Sayanna for the complainant and for the Respondent BEST Undertaking Shri. A.S. Sawakhande, DECC(G/S), Shri. S.B. Lande, AECC(G/S) and Shri. P. Amberkar, AAO (G/S).

- 8.0 A very short controversy arose for its redressal before this Forum in the instant complaint. This controversy is having two facets and dimensions. Firstly, the Respondent BEST Undertaking contends that during a site inspection carried out by its staff on 02/08/2010 it was noticed that supply through the meter no. M090194 provided to the complainant, was extended for commercial purpose to the premises of her son Shri Kalluri Sayanna, whose electric supply was disconnected on 14/09/2009 for non payment of his outstanding amount of Rs. 5,79,517.98. Thus there has been an obvious case of *unauthorized* use of electricity i.e. providing electricity to other consumer and said act has been registered under section 126 of the Electricity Act, 2003 against the complainant claiming payment of Rs. 54,297.46 for the same.
- 9.0 In regard to second aspect of the controversy, the complainant through her meter no. M090194 has provided an electric supply to her son viz. Shri Kalluri Sayanna for commercial purpose whose electric connection was disconnected on 14/09/2009 for non payment of outstanding amount of Rs. 5,79,517.98. Therefore, the net outstanding amount of Rs. 6,91,003.00 of Shri Kalluri Sayanna with account no. 532-153-103 was debited in the month of December, 2011 in the account of his mother i.e. present complainant viz. 532-151-173, as she had provided *unauthorized* electric supply to him.
- 10.0 During the hearing it has been urged on behalf of the complainant that the allegation made by the complainant in respect of section 126 of the Electricity Act, 2003 would not be considered by this Forum being out of its jurisdiction. However, transferring the arrears of Rs. 6,91,003.00 of the consumer Shri Kalluri Sayanna to the account of the present complainant no. 532-151-173 needs to be struck down being illegal, as the Respondent BEST Undertaking can not transfer the arrears of the other consumer to the account of the complainant.
- 11.0 This Forum observes that the action has already been initiated under section 126 of the Electricity Act, 2003 against the complainant Smt. Laxmi Sayanna for providing the electricity to the premises of her son, for which the said complainant / consumer has already paid the charges of Rs. 54,297.46.
- 12.0 In the considered view of this Forum on the same ground it would be highly unsustainable and improper on the part of the Respondent BEST Undertaking to transfer the outstanding of the other consumer i.e. Shri Kalluri Sayanna of Rs. 6,91,003.00 to the account of the present complainant on account no. 532-151-173. The account of the consumer Shri Kalluri Sayanna and that of the present complainant Smt. Laxmi Sayanna are required to be considered being different and distinct for recovery of charges for the electricity consumed by them. We therefore proceed to hold that the action of the Respondent BEST Undertaking in transferring the arrears of Shri Kalluri Sayanna to the account of the present complainant needs to be struck down being unsustainable in law and fact. Accordingly we do so.

### ORDER

1. Complaint no. N-G(S)-163-2012 dtd. 09/08/2012 stands partly allowed.
2. The Respondent BEST Undertaking hereby restrained from transferring the arrears of Shri Kalluri Sayanna to the account of the present complainant i.e. to the account no. 532-151-173.

3. Compliance of this order be informed to this Forum within a period of one month therefrom.
4. Copies be given to both the parties.

(Shri S M Mohite)  
Member

(Shri M P Thakkar)  
Member

(Shri R U Ingule)  
Chairman