

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-35-07 dt . 31/12/2007

Shri. M.S.I. Kochra, Z.H.Muphal, A.M.H. Rehman
& A.K.A.R. Shaikh & Other TenantComplainants

V/S

B.E.S. & T. UndertakingRespondent

Present

Quorum 1. Shri. S. P. Goswami, Acting Chairman,
2. Smt. Vanmala Manjure, Member

Complainant 1. Shri. Nadeen M. Kochra,
2. Taheer A. Khan (Representative)

On behalf of the Respondent 1. Shri. M.A. Qureshi, Asst.Engineer C.C.(S)
2. Shri. M.D. Sanap A.O C.C(S)
3. Shri. N.D. Mehta Supt. C.C.(S)

Date of Hearing: 15/2/2008

Judgment by Shri. S. P. Goswami, Acting Chairman

Shri. M.S.I. Kochra, A.M.H. Rehman & Z.H.Muphal & A.K.A.R. Shaikh & Other Tenants at Supariwal Mansion, Nishanpada Road, have come before this Forum for their grievance regarding outstanding amount and connection of meters.

Brief history of the case

1. Shri. M.S.I. Kochra, A.M.H. Rehman & Z.H.Muphal & A.K.A.R. Shaikh & Other Tenants residing at Bldg No 162/164 Supariwala Mansion, Room No. 101 to 104, 201 to 204 on 1st and 2nd floor, Nishanpada Road, Mumbai-400 009. They had approached licensee i.e. BEST Undertaking on 12th November 2007 regarding their grievances pertaining to new meter connections and waiver of outstanding payment of old consumers in Annexure-'C' format. Unsatisfied with the reply of licensee the consumer approached to CGR Forum in schedule-A format on 31/12/2007.

Consumer in his application and during hearing stated as follows

1. The outstanding amount of Rs. 3,97,155.98/- of old consumers of the premises may be withdrawn because amount is very old and new meter connections may be given.
2. The outstanding amount shown does not pertain to them and the same belongs to the old consumer.
3. The premises are vacant since 2002 since the building was under reconstruction. Hence, there was no energy consumption.
4. The premises on which there is no outstanding amount should be given meters.
5. The outstanding amount shown is not clear.
6. Correctness of account No 429-253-017 and the outstanding shown against it should be checked by BEST.
7. As per BEST's consumer information system address of account No 429-253-017*6 is Rahat Manzil. However, in reconnection order the address mentioned as 1st Supariwala Mansion.
8. The complainants have not received latest outstanding bill Memo sent by BEST.
9. Requisition sanction date i.e. 30/8/2007 mentioned by BEST is not correct.
10. BEST should give meter connection waiving the outstanding amount belonging to the old consumer.

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

1. Req. No. 2080749 to 2080756 dt. 16/8/07. (Total 8 Nos.) were registered with us for E.S. on 1st & 2nd floor premises (4 each for 1st & 2nd floor).
2. Investigation was carried out by us and all 8 requisitions were conditionally sanctioned on 30/08/07.
3. During investigation it was noticed that though the premises are physically occupied by the applicant but these premises are not firmly marked, same are marked by

chalk. Individual applicants were also not able to furnish the required information regarding premises No. and previous consumer's name and previous room No.

4. This is an old building comprising of Grd + 3 upper floors. There were 8 Nos. of premises on each 1st and 2nd floor, and as per our record Electric supply was existing to all 16 Nos. of premises and due to non payment **their** meters were removed in the year 2002.
5. As per investigation report presently there are only 4 Nos. of premises on each 1st and 2nd floor and due to major addition and alteration carried out to the previous structure the 8 Nos. of premises are converted into 4 Nos. of premises on each 1st and 2nd floor.
6. The existing premises are marked by chalk and are not permanently marked also due to alteration/amalgamation found in the existing structure it is not possible to confirm that which premises No. is merged with other premises.
7. To give correct reconnection to each consumer we had asked the applicant LEC to submit EEBP plan (previous and recent) but he had not submitted the same.
8. There is total outstanding amount of Rs. 1,48,236/- (One lac forty eight thousand two hundred and thirty six only) of old 8 premises on 1st floor, and 2,38,902/- (Two lacs thirty eight thousand nine hundred and two only) of old 3 premises on 2nd floor.
9. All 8 requisition 2080749 to 2080756 dated 16/08/07 are already sanctioned on 30/08/07 and after clearing O/S amount of Rs. 3,87,138/- (Three lacs eighty seven thousand one hundred and thirty eight only) alongwith other compliances the meter will get installed.
10. Out of total 8 requisitions applicant LEC had requested to process only 4 requisitions (Req.No.2080751, 2080750, 2080752 and Req.No.2080749.) which is not possible because of the reasons mentioned in para 5,6,7 and 8.
11. We had not issued a single meter to any of the premises existing on 1st and 2nd floor, as claimed in applicant's letter, and the meters which were issued to Grd and 3rd floor premises were installed only after recovery of the O/S amount.
12. As mentioned in the letter regarding receiving of only commercial dept.'s reply vide letter CS/AEB/2080156/07 dated 07/12/07 to Annexure "C" complaint and non receiving of the reply which was made to consumer dept., we would like to inform you that the consumer dept. had also given a reply vide letter no. DECCS/AOCCB/OS/537/07 dated 27/12/07. However, from 19/12/07 the consumer and commercial dept. are merged as "Customer Care" dept. in the interests of BEST consumers.
13. Requisition sanction date mentioned is correct and same is conditional approval date of sanction of requisition.
14. They have taken vigilance clearance before sanctioning the requisition.
15. Requisitions were sanctioned conditionally within 15 days to meet MERC directives.
16. Outstanding memos given to the consumers are in order.

17. Meters were not connected at the applicant's premises due to non-payment of the outstanding amount of the old consumers.

Observations

1. The outstanding amount to be recovered belongs to the old consumer and not to the applicant. Recovery of the same is delayed.
2. Meter connections are given on premises and not on person. Hence, applicant should have ensured clearance of all outstanding bills of various utilities including BEST before purchasing the premises.
3. The applicant has not submitted the documentary evidence like EEBP's approved plan of the old eight rooms of 1st & 2nd floor and now reconstructed into four rooms on 1st & 2nd floor as required by BEST for deciding the exact outstanding amount to be recovered for meter connection to be given.
4. When BEST states that they don't know which premises is whose, then how do they issue the notice of o/s to correct consumer, that is not explained by BEST.
5. In one case how two different outstanding amounts are shown on one account, is not clear.
6. It is not clear how BEST issued the notices to pay the O/S of the old consumers on new consumers.

ORDER

1. BEST is directed to give meter connection to the applicants subject to the following.
 - 1.1 Recovery of the outstanding amount of total six months calculated floor wise on the basis of yearly average monthly consumption of the last recorded consumption date of the meters of the respective floors.
 - 1.2 The total floor wise amount of all the meters be divided among the new consumers in proportion of their area of the rooms now occupied.
 - 1.3 No D.P. Charges be taken from the consumers.
2. Copies be given to both the parties.

(Shri S. P. Goswami)

Acting Chairman

(Shrimati Vanmala Manjure)

Member