

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)-123-2011 dt . 28-06-2011

Mr. Mohammed Yunus ShaikhComplainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Quorum : 1. Shri R U Ingule, Chairman
2. Shri S P Goswami, Member

On behalf of the Complainant : 1. Mr. Mohammed Yunus Shaikh

On behalf of the Respondent : 1. Shri P. S. Deshpande

Date of Hearing : 19-7-2011

Date of Order : 19-7-2011

Judgment by Shri. R.U. Ingule, Chairman

Mr. Mohammed Yunus Shaikh, 37, Blue Flame Apartments, 10th Floor, S.V. Road, Bandra (W), Mumbai - 400 050 has come before the Forum for his grievances regarding outstanding bill of A/c No 781-025-005 & reconnection of electric supply.

Complainant has submitted in brief as under :

1. The complainant has approached to IGR Cell of the Respondent on 05.10.2010 grievances regarding outstanding bill of A/c No 781-025-005 & reconnection of electric supply.
2. Respondent vide letter dtd. 30.11.2011 informed that as per the bills attached with his application he has been billed for 7606 units for the period from 24-12-1992 to 27-01-1993. The billing record of the year 1992-93 is not available with them. He was requested by the Respondent to produce the bills prior to Dec-1992 so as to enable them to review his bills on the basis of past consumption.
3. Not satisfied the reply of the Respondent's in IGR Cell, the complainant approached to CGRF in schedule 'A' on 24-06-2011. He has requested the Forum to waive the outstanding amount debited in his account as the same is not acceptable to him & provide electricity connection on priority.

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

4. The consumer has registered Requisition no. 70802307 dated 26.07.2007 for reconnection of supply at GNML-55/3/3 Grd, Plot No. 2, Sanaullah Compound, Dharavi Main Road, Dharavi, Mumbai- 400 017.
5. As per practice of the Undertaking outstanding bill of Rs. 1,52,589.00 of A/c No. 781-025-005 given to the consumer Mohammed Yonus Shaikh.
6. Meter no. B075155 was removed on 26.05.1994 for non-payment of bills. However the relevent papers of this case such as removed meter reading folio, meter removal advice, ledger position, etc. are not available with us.
7. In the bill of February 1993 the total amount was shown as Rs. 1,02,984.00. It seems that the then officer of the Undertaking might have been confirmed that payment of Rs. 69,235.00 had been received from the consumer and the same amount was deducted from the bill i.e. (Rs. 1,02,984.00 - Rs. 69,235.00= Rs. 33,749.00)
8. Due to the non-availability of any documents with the Undertaking the proposal was put up to the Management for accepting Rs. 33,749.00 as a full and final settlement in the instant case.

9. The consumer has approached the CGRF before receipt of the approval to above proposal.
10. It is not possible to prove the correctness of the outstanding amount of Rs. 1,52,589.00 due to non-availability of records.
11. In view of the above consumer may be directed to pay Rs. 33,749.00 as a full and final settlement of outstanding amount to the Undertaking as per his request letter.

REASONS :

12. Heard complainant Shri Mohammed Yonus Shaikh in person and Shri P. S. Deshpande for the respondent BEST Undertaking. Perused papers.
13. We observed that, as submitted by the respondent BEST Undertaking, the meter no. B075155 of the complainant was removed on 26/5/1994 for non payment of Rs. 1,52,589/-. In the next breath, the respondent BEST Undertaking is submitting that, all the relevant papers viz. meter reading folio, meter removal advice, ledger position, etc. are not available. We thus, find that the respondent BEST Undertaking does not have any shred of documentary evidence in support of their contention regarding outstanding bill standing in the account no. of complainant under consideration. We thus, find the claim made by the respondent BEST Undertaking against the complainant being not supported by any cogent evidence.
14. However, we observe that, referring to bill placed at exhibit 7/C by the respondent BEST Undertaking, the complainant has candidly admitted that, there was an outstanding amount of Rs. 1,02,984.30/- out of which, he has paid Rs. 69,235/-, therefore, the outstanding amount has been Rs. 33,749/-. We find this bill has been counter signed by the Supdt. (Consumers). The complainant has accepted and undertaken to pay the said amount of Rs. 33,749/-. At this juncture, pertinent to note that the respondent has also put a proposal to the management for accepting the said amount of Rs. 33,749/- in full and final settlement of the dispute amount in the instant case.
15. In the aforesaid observation and discussion, we find it appropriate to direct the respondent BEST Undertaking to accept the payment of Rs. 33,749/-, accepted and undertaken for remittance by the complainant in full and final settlement of electricity charges dues and to provide him the electric meter, which has been already removed by the respondent. Accordingly, we proceed to pass the following order.

ORDER

1. Complaint No. N-G(N)-123-2011 dt . 28-06-2011 stands allowed.
2. The respondent BEST Undertaking has been directed to accept Rs.33,749/- undertaken to be remitted by the complainant in full and final settlement of the outstanding dues.
3. The respondent BEST Undertaking has been further directed to give reconnection and install the meter to the premises of the complainant, within a period of fortnight from the date of payment of Rs. 33,749/- and to report the compliances, to this Forum within a period of one month there from.
4. Copies be given to both the parties.

(Shri S P Goswami)
Member

(Shri R U Ingule)
Chairman