

**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. 22799528

**Representation No N -385-2019 dtd. 04/07/2019**

Director Principal L.N. Welingkar Inst. ....Complainant

V/S

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

**Present**

**Chairman**

Quorum : Shri V. G. Indrale, Chairman

**Member**

1. Shri K. Pavithran, Member

On behalf of the Respondent : 1. Smt. S.S. Darne  
2. Smt. T.Y. Rege

On behalf of the Complainant : Shri Rajesh Navadkar  
Shri Mukund Mahale  
Shri Vijay kamanna

Date of Hearing : 25/07/2019

Date of Order : 26/07/2019

**Judgment by Shri. Vinayak G. Indrale, Chairman**

**Order dtd. 26/07/2019 in continuation of order dtd. 08/07/2019**

- 1.0 The complainant has approached the Forum under Regulation 6.5 of MERC (CGRF & EO), Regulations, 2006 against the disconnection notice issued by BEST Undertaking by disputing recovery of Electricity Duty.

- 2.0 After going through the Schedule 'A' and other documents we have satisfied that there is urgency in the matter as the Respondent BEST Undertaking has given threat to disconnect electric supply given to the complainant. So we have entertained the complaint.
- 3.0 After hearing argument of the complainant on 08/07/2019, we have granted ad-interim stay till next date i.e. 25/07/2019 as the Respondent BEST Undertaking appeared and prayed time for filing the say. The Respondent BEST Undertaking has filed their say and submitted that as per letter dtd. 04/06/2018 issued by Government, they have debited the amount of Electricity Duty in electricity bill for the month of May 2019. The Respondent BEST Undertaking has also submitted that in view of directions given by the government for recovery of Electricity Duty, they have also issued notice dtd. 21/06/2018 for disconnection of electric supply if an amount of Rs. 84,75,830.00 is not paid within 15 days. The Respondent BEST Undertaking in their say has again and again contended that as per the directions given by the Government they have demanded the Electricity Duty.
- 4.0 We have heard the argument of the representative of the complainant who has vehemently relied upon the order passed by Hon'ble High Court Division Bench in W.P. (Ordinary Original Civil Jurisdiction) 2961/2018 and submitted that the Hon'ble High Court by the said order has set aside the letter dtd. 04/06/2018 as well as the legal opinion given by law and judiciary. We have cautiously gone through the facts of the case law and some are identical to the facts of the case before us as the complainant is also education institute. Considering the ratio laid down in the above said W.P., we have least hesitation to hold that the complaint has *prima-facie* made out the case for granting interim relief not to disconnect electric supply for non-payment of Electricity Duty. In result we pass the following order.
- 5.0 Ad-interim relief which has been granted on 08/07/2019 restraining the Respondent BEST Undertaking from disconnecting the electric supply of the complainant institute for non-payment of Electricity Duty is hereby confirmed till the final decision pending before IGRC as well as before this Forum.
- 1.0 Accordingly inform the parties.

Sd/-

(Shri K. Pavithran)  
**Member**

Sd/-

(Shri M.S. Kamath)  
**Member**

Sd/-

(Shri V.G. Indrale)  
**Chairman**