

**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-D-201-2013 dtd. 17/07/2013**

Mrs. Rukkaya Bano Mohd. Ismail .....Complainant

V/S

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

**Present**

Quorum : Chairman  
Shri R U Ingule, Chairman

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

On behalf of the Complainant : 1. Shri Davinder Singh Sudan

On behalf of the Respondent 1. Shri G.M. Bhagat, DECC(D)  
2. Shri T.D. Jadhav, Supdt. CC(D)

Date of Hearing : 27/08/2013

Date of Order : 28/08/2013

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

Mrs. Rukkaya Bano Mohd. Ismail, 16/A & B, 1<sup>st</sup> floor, Haji Habib Bldg., M.S. Road, Mumbai - 400 007 has come before the Forum for her grievance regarding wrongly demand of outstanding bill of Rs. 2,18,803/- pertaining to A/c No. 828-229-045.

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

1.0 The complainant has approached to IGR Cell on 16/08/2012 with her grievance wrongly demand of outstanding bill of Rs. 2,18,803/- pertaining to A/c No. 828-229-045. The complainant has approached to CGRF in schedule 'A' dtd. NIL (received in CGRF on 16/07/2013) as no remedy is provided by the Distribution Licensee regarding her grievance. The complainant has requested the Forum to waive the outstanding amount.

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

- 2.0 On 13/06/2012 Smt. Rukkaya Bano Mohd Ismail had submitted the requisition dt 13/06/2012 for supply of electricity to the premises 16A/ 16B, Haji Habib Building, Maulana Shaukat Ali Road, Mumbai 400 007 along with the authority letter in the name of representative, Mr.Akram . Vide receipt no. 4451 dtd 13/06/2012, her application was registered.
- 3.0 The details on installation card and service No. 30755 were scrutinized for details of claims if any. From the installation card, it was found that on installation No. 76854 having Consumer No. 828-229-045 stands in the name of Sayed Mohd I. Mohd Ibrahim, meter no. G 921086 was removed on 28/10/1996 for the said premises for non-payment of Electricity Bill
- 4.0 From the records of Service Line Details (SLD) for Service no. 30755 it was found that, vigilance case No.VGS/035/D-09 dtd. 04/11/2009, on installation No. 76854 having Consumer No. 828-229-045 is pending. Therefore, the case was referred to Vigilance Department for clearance. It was informed by Vigilance dept that as per Vigilance case No. VGS/035/D-09 dtd 04/11/2009 on Consumer No. 828-229-045 provisional claim was raised for Rs. 1,41,912 out of which only Rs.49000/- was paid. The balance provisional claim of Rs.92912 is yet to be paid. The clearance was not given by Vigilance dept and advice us to ask the applicant to pay minimum 50% of the provisional claim amount and give undertaking to pay as decided by final assessment. Vide our letter dtd 06/08/2012 consumer was informed to approach our Vigilance Department to pay Vigilance claim on A/c 828/229/045- case ref VGS/035/D09 till that her requisition is kept pending.
- 5.0 As per Recovery section there was outstanding bill of Rs. 2,18,803/- pending for Consumer No 828-229-045 . (i.e. outstanding amount for the month of February 1997 was Rs. 2,43,842.76, deducting the amount of Security Deposit Rs.24,370/- and Interest thereon Rs.670.19, the amount accumulated was Rs.2,18,802.57). The details are 2,18,803. The handwritten copy of Outstanding Bill amount of Rs. 2,18,803/- was hand delivered to the representative of the applicant on 19/07/2012.
- 6.0 On 26/07/2012 the investigation Inspector reported that during the site investigation, the requisition submitted for new connection is of the Lapse Reconnection for Consumer No. 828-229-045 and the premises found vacant (proposed for residential purpose) for total applied load is 300Watt, subject to recovery of outstanding dues and Vigilance clearance. The system generated letter dt 31/7/2012 was given by hand delivery to the representative of the applicant to make compliances within 60 days from the date of this letter.
- 7.0 The applicant hasn't cleared yet the amount of outstanding Recovery and Vigilance Claim as per compliances intimated before giving electricity connection. Further ,the complainants representative Mr.Akram Khan requested vide his letter dtd 07/09/2013 to cancel the requisition No. 92962 as the applicant does not have money to pay arrears amount. Therefore, her requisition for connection of electricity was cancelled on 9/7/2012 and case was closed.

## REASONS

- 8.0 This Forum has heard the representative Shri Davinder Singh Sudan for the complainant and Shri G.M. Bhagat , Shri T.D. Jadhav for the Respondent BEST Undertaking.
- 9.0 At the outset this Forum observes that the instant matter on our hand has been an open and shut case. The representative for the Respondent BEST Undertaking has vehemently submitted that the complainant in consideration had submitted a requisition dtd. 21/06/2012 placed on file at pg. 15 under her thumb impression affixing her photograph there upon. The Respondent BEST Undertaking further pointed out that at Exhibit 'F' pg. 35 there is an authority letter under the thumb impression of the complainant authorizing Shri Akram as her representative to appear and comply the requirements in the matter of her requisition application no. 92962 dtd. 13/06/2012. The Respondent BEST Undertaking further pointed out that thereafter by submitting an application at Exhibit 'N' pg. 73 her representative Shri Akram has in writing informed the Respondent BEST Undertaking to cancel the said requisition no. 92962 dtd. 13/06/2012. The Respondent BEST Undertaking thereafter submitted that as prayed by the complainant the requisition application has been cancelled, by it accordingly.
- 10.0 The Respondent BEST Undertaking in the aforesaid admitted set of facts and circumstances submitted that now the complainant does not have any *locus-standi* to file the instant complaint merely on the basis of the alleged complaint made to the IGR in Form 'C' which has been mainly aimed to demand the documents in respect of the details of the electricity charges in arrears claimed against the complainant. The Respondent BEST Undertaking further elaborated that if at all the complainant is interested in getting the electric connection, it is incumbent upon her to submit a fresh requisition form and to make compliance thereto, which would be processed by the Respondent BEST Undertaking in accordance with the concerned rules and regulations for taking a proper action therein.
- 11.0 In consider view of this Forum, in the aforesaid admitted state of affairs, it would be premature on our part to express our views and opinion in respect of the various contentions raised before this Forum by either party to this controversy, as the complainant may submit a fresh requisition application for taking action therein by the Respondent BEST Undertaking which could be a subject matter of dispute to be redressed with the IGR and thereafter by this Forum in future.
- 12.0 As the requisition application no. 92962 dtd. 13/06/2012 submitted by the complainant has been cancelled by the Respondent BEST Undertaking on written request made by the complainant, we hold the instant complaint being not maintainable in law. Accordingly, proceed to pass the following order.

## ORDER

1. The complaint no. S-D-201-2013 dtd. 17/07/2013 stands dismissed.
2. Copies be given to both the parties.

(Shri S M Mohite)  
Member

(Shri M P Thakkar)  
Member

(Shri R U Ingule)  
Chairman