

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-FS-309-2016 dtd. 04/11/2016.

Smt. Ashadevi R. KanodiaComplainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Chairman

Quorum : Shri V. G. Indrale, Chairman

Member

1. Shri S.Y. Gaikwad, Member
2. Shri S.M. Mohite, Member, CPO

On behalf of the Complainant : 1. Shri Ashwin Kanodia

On behalf of the Respondent : 1. Shri B.K. Shelke, DECC(F/S)
2. Smt. A.J. Karbhari, AAM CC(F/S)

Date of Hearing : 15/12/2016

Date of Order : 02/01/2017

Judgment by Shri. Vinayak G. Indrale, Chairman

Smt. Ashadevi R. Kanodia, A 13 / B / 006, Yogi Sameep CHS, Yogi Nagar, Boriwali (West) Mumbai 400 091 has come before the Forum for dispute regarding waiver of delay payment charges levied on electricity bill having electric supply at R. No. 31, 3rd floor, Nanabhai Chambers, Govindhi Keni Road, Naigaon, Dadar (E), Mumbai - 400 014 pertaining to a/c no. 585-251-093 whose meter removed on 16/05/2008.

Complainant has submitted in brief as under :

The complainant has approached to IGR Cell on 08/07/2016 for dispute regarding waiver of delay payment charges levied on electricity bill having electric supply at R. No. 31, 3rd floor, Nanabhai Chambers, Govindhi Keni Road, Naigaon, Dadar (E), Mumbai - 400 014 pertaining to a/c no. 585-251-093 whose meter removed on 16/05/2008. The complainant has approached to CGRF in schedule 'A' dtd. 27/10/2016 (received by CGRF on 02/11/2016) as the complainant was not satisfied by the remedy provided by the IGR Cell of Distribution Licensee on his grievance.

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

- 2.0 The complainant Smt Ashadevi R Kanodia came before the Forum regarding her dispute about waiver of Delay Payment Charges (DPC) and interest levied nonpayment of dues pertaining to A/C 585-251-093. Meter Number C014966. This meter was removed in August 2008 for nonpayment of dues.
- 3.0 Electric supply was given to the complainant's premises through meter C014966 having A/C No 585-251-093. The electric consumption was recorded by this meter upto December 2003. The complainant had paid Rs 2000/- on 15/05/-2002 as part payment against the arrears amount of Rs 2,132.44/-. After that till today no payment was made by the complainant. This electricity meter was removed in August 2008 for nonpayment of electricity dues of Rs 12,263.59/-. This amount has increased to Rs 30,528 /- as on October 2016 . Outstanding amount of Rs 30,528/- includes interest on arrears amounting to Rs 19,981.13.
- 4.0 In Annex C , the complainant had mentioned that, in the year 2001 the uncle of her son had informed to the Undertaking to remove the meter. But the Undertaking had removed the meter in August 2008. Hence, DPC & interest levied from 2001 may be waived. During the hearing of Annex C , no documentary evidence about the request for removal of meter in the year 2001 was submitted by the complainant. There is no provision to waive Delay Payment Charges and interest in such cases. The complainant is requested to pay the same.

REASONS

- 5.0 We have heard the arguments of son of the complainant at length and we have heard the Respondent BEST Undertaking Shri B.K. Shelke, DECC(F/S) and Smt. A.J. Karbhari, AAM CC(F/S). We have perused plethora of documents placed on record by either party to the proceeding. We have perused the written statement filed along with Annexure 'A' to 'E' by the Respondent BEST Undertaking.
- 6.0 After going through the document filed by the complainant the present matter found by us is regarding grievance of charging DPC and interest on arrears of electricity charges due on October 2016. The complainant has vehemently submitted that his father was murdered in the premises in 2001 and since that time he and his mother left the premises and went to reside at Borivali. He has submitted that his uncle was looking after the premises and he has not informed the complainant about the electricity dues and therefore huge amount was increased by charging DPC and IOA.

He further submitted that his mother is illiterate and he was minor in 2001 and therefore had no knowledge about the electricity dues. Thus he requested to waive the interest on arrears atleast till the date of removal of meter as there is delay in the part of the Respondent BEST Undertaking to remove the meter. The Respondent BEST Undertaking has submitted that as per regulation they have charged the interest on arrears and therefore the complainant is liable to pay electricity dues of Rs. 30,520.00 as due on October 2016.

- 7.0 On this point we have cautiously gone through the Meter Ledger Folio, Exhibit 'A' which is since May 1996 to October 2016. After perusal of the same, it appears that there was consumption of electricity units up to December 2003 and since January 2004 till date of removal of the meter consumption of electricity charges were zero. It appears that the Respondent BEST Undertaking has charged minimum bill of Rs. 50.00 per month and thereby there is huge accumulation of DPC and IOA.
- 8.0 Exhibit 'A', Meter Ledger Folio goes to show that last payment of electricity dues made by the complainant was Rs. 2,000.00 paid on 05/05/2002. After payment of the said amount the amount due towards the complainant was Rs. 132.44 + current bill charges of Rs. 243.42, total comes to Rs. Rs. 375.86. It reveals that since June 2002 till January 2004 there was consumption of electricity charges and total amount shown as due on January 2004 is Rs. 2,683.55. It appears that the said amount of Rs. 2,683.55 is increased by charging DPC and IOA and comes to Rs. 30,520.00 as due on October 2016. If viewed from this angle, it appears that there is some delay on the part of the Respondent BEST Undertaking in removal of meter which resulted into charging of DPC and interest. If the Respondent BEST Undertaking would have removed the meter earlier due to non-payment of electricity charges then naturally bill for minimum charges of Rs. 150/- per month would not have been debited in the account of the complainant.
- 9.0 The complainant has submitted that the Respondent BEST Undertaking had issued Procedure Order 164 and thereby waived the DPC and IOA whose meter was removed prior to 01/10/2006. He has further submitted that in some of the cases the Respondent BEST Undertaking has moved the matter to the higher authorities who have waived DPC & IOA even though meter was removed after 01/10/2006. Meter Ledger Folio, Exhibit 'A' goes to show that after removal of meter interest on arrears comes to Rs. 19,981.13 till October 2016. Having regard to this aspect of the case coupled with the fact that there is delay in removal of the meter we think it just and proper to waive 50% interest which comes to Rs. 9,991.00 to give fair and equitable justice to the complainant who is illiterate lady. We are making this observation with a view to recover the arrears by the Respondent BEST Undertaking from the consumers. If such mode would not be applied, in that case arrears will remain as it is and there will be no recovery of dues.
- 10.0 Having regard to the above said circumstances we think it just and proper to direct the Respondent BEST Undertaking to waive the interest of Rs. 9,991.00 and thereby the complainant will be liable to pay Rs. 20,529.00. We have arrived to this figure

considering the Meter Ledger Folio, Exhibit 'A' and figure of interest arrived out by the Respondent BEST Undertaking after removal of meter. We think it just and proper to waive 50% interest considering the facts of this case as well as previous conduct of the Respondent BEST Undertaking in waiving DPC and interest in some of the cases. The Respondent BEST Undertaking is expected to give benefit of waiver of interest on equal parameter to all consumers looking into facts of each case. It is expected from the Respondent BEST Undertaking to issue Procedure Order like that of P.O. 126 with a view to recover accumulated arrears from consumers.

- 11.0 For the above stated reasons we arrived at conclusion that the complainant is entitled to get the benefit of waiver of 50% interest in the interest charged after the date of removal of the meter. Thus the liability of the complainant comes to Rs. 30,520.00 - Rs. 9,991.00 = Rs. 20,529.00.
- 12.0 From the aforesaid discussion, the complaint deserves to be partly allowed and we proceed to pass the following order.

ORDER

1. The complaint no. N-FS-309-2016 dtd. 04/11/2016 stands partly allowed.
2. The Respondent BEST Undertaking is hereby directed to waive 50% interest accumulated after removal of meter and recover an amount of Rs. 20,529.00 from the complainant as electricity dues as on October 2016.
3. The complainant is directed to pay the amount of Rs. 20,529.00 within one month from the date of receipt of the order. In that case the Respondent BEST Undertaking is directed to reconnect the electric supply to the complainant's premises within 8 days from the date of depositing the amount.
4. The Respondent BEST Undertaking is directed to comply the order within 45 days from the date of this order and thereafter report the compliance within 8 days.
5. Copies of this order be given to both the parties.

(Shri S.Y. Gaikwad)
Member

(Shri S.M. Mohite)
Member

(Shri V.G. Indrale)
Chairman