

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)- 226 dtd. 08/05/2014.

Shri Bhimsen Krishna KadamComplainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Chairman

Quorum : 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 Santosh H. Pol

On behalf of the Respondent : 1. Shri Y.F. Bagul, (Supdt.CC G/N)
2. Shri Sushil Bhimrao Pawar (AAMCC)

Date of Hearing : 27/06/2014

Date of Order : 14/07/2014

Judgment by Shri. R.U. Ingule, Chairman

Shri Bhimsen Krishna Kadam, 205, Ground floor, Poonawala Chawl, U.M. Thevar Nagar, Dharavi, Mumbai - 400 017 has come before the Forum for dispute regarding reconnection of electric supply to her premises as energy meter no. M018877 pertaining to A/c no. 781-388-029 is stolen long back.

Complainant has submitted in brief as under :

1.0 The complainant has approached to IGR Cell on 01/11/2012 for dispute regarding reconnection of electric supply to her premises as energy meter no. M018877 pertaining to A/c no. 781-388-029 is stolen long back. The complainant has approached to CGRF in schedule 'A' dtd. NIL (received by CGRF on 06/05/2014) as the consumer is not satisfied with the remedy provided by the IGR Cell Distribution Licensee regarding her grievance.

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

- 2.0 Complainant Smt Laxmi Bhimsen Kadam came before the Forum regarding her grievances of reconnection of electric supply to her premises under reference as energy meter is stolen long back. Electric supply is given to the complainant's premises from 17/11/2000. In the year 2003, Late Shri. Bhimsen Krishna Kadam vide his complaint letter dtd. 02/04/2003 has informed to the Undertaking that, the meter number M018877 which was provided for his premises is lost. In his complaint letter he further stated that, he had registered Police complaint of the same. But this letter is not received in the office.
- 3.0 In Annexure 'C' form dtd. 15/09/2009, the complainant has requested for waiver of Delay Payment (D.P.) and interest amount. In reply to this letter, the complainant was informed that meter no. M018877 is stolen. For processing the case of lost electric meter, the Undertaking asked him to lodge the FIR of stolen meter with concerned Police Station and submit copy of the same. He did not registered the FIR with concerned police station and no copy of FIR is submitted by the complainant.
- 4.0 The widow of Late Shri Bhimsen Krishna Kadam has complained on the same subject under Annexure 'C' in again in November 2012 and enclosed death certificate of Late Shri Bhimsen Krishna Kadam and copy of FIR dtd. 04/11/2011 registered with Dharavi Police station. After issuing the copy of FIR for the said stolen meter, the process of waiver of DP and interest has started and it will be reflected in electricity bill in due course.

REASONS

- 5.0 We have heard Shri Santosh H. Pol for the Complainant and for the Respondent BEST Undertaking Shri Y.F. Bagul, (Supdt.CC G/N) along with Sushil Bhimrao Pawar (AAMCC). Perused documents placed before us.
- 6.0 On this occasion we find a very fair approach on the part of consumer in paying the electricity charges for obtaining an electric *reconnection* to its premises. On the other hand we find a very tepid approach being adopted by the Respondent BEST Undertaking for redressing the grievances of the consumer.

- 7.0 This forum finds that the electric supply was provided to consumer Late Shri Bhimsen Krishna Kadam to his premises on 17.11.2000 installing meter No. M018877. In the year 2003 the consumer late Shri Bhimsen Krishna Kadam vide his application dtd. 02/04/2003 had informed the Respondent BEST Undertaking about his lost of Meter No. M018877 and requested therein to provide a new meter. Along with this application this consumer had also submitted a copy of registered police complaint to the Respondent BEST Undertaking. However, despite persuading the Respondent BEST Undertaking from 2003 up till now, no electricity meter has been provided to the Applicant i.e. wife of the deceased consumer. In spite of it the wife of the deceased consumer has been served with a huge bill of electricity charges. Therefore, the wife of the deceased complainant consumer has prayed for a direction to the Respondent BEST Undertaking to accept the charges of electricity till the month of April 2003, waiving the DP charges and interest thereupon and to provide electricity supply to her premises.
- 8.0 In counter the Respondent BEST Undertaking has submitted before this forum that it has not received a copy of the registered police complaint along with application submitted by its consumer Shri Bhimsen Krishna Kadam in the year 2003. Despite the wife of the deceased consumer was informed to submit the 'First Information Report' lodged with the police station about the theft of the electricity meter provided to them, no such compliance was made by the complainant. It is in the year 2012, the wife of the deceased complainant consumer Shri Bhimsen Krishna Kadam has submitted such copy of FIR registered with Dharavi police station along with death certificate of the consumer Shri Bhimsen Krishna Kadam. Now the office of the Respondent BEST Undertaking has initiated its action of waiving the DP and interest charges in arrears and the same is in process with its Audit Department. Thus, the matter is presently pending with its Audit Department.
- 9.0 To our shock and surprise we find that the last reading recorded by the meter provided to the said consumer has been 1287 units in the month of February 2003. A bear perusal of the *ledger folio* placed before this Forum by the Respondent BEST Undertaking manifest that thereafter the consumer has paid an amount of Rs. 8049/- on 17.03.2003. Thereafter the amount to be paid by the consumer has been shown in the ledger being Rs.1679/- . However, thereafter in the next month an amount of Rs. 1,73,766.80 has been added into the same.
- 10.0 We further find that the Respondent BEST Undertaking has went on adding the DP and interest charges thereupon till this date. When this Forum asked the Respondent BEST Undertaking to provide the explanation as to the basis for debiting account of the complainant in the ledger folio by the amount of Rs. 1,73,766.80, we find the Respondent BEST Undertaking being totally unable to provide any explanation thereto. On the contrary it is the Complainant in all fairness has placed before this Forum a copy of the electricity bill for the month of January 2002 in respect of his another meter no. L992023 which shows the Complainant being in arrears of Rs. 1,73,901.39. In this connection, this Forum observes that this copy of the bill does not provide any information as to from which date the Complainant has been in arrears of the said

amount and the amount of units consumed by him. In nutshell this Forum does not find any details of the amount of 1,73,766.80 debited in the account of the Complainant in the “*ledger folio*” placed before us. Admittedly, the earlier meter No. L992023 has already been removed by the Respondent BEST Undertaking long back. We thus find that in all fairness the present Complainant without going into the question of the legality in paying the said arrears amount of Rs.1,73,766.80 as shown in the ledger folio, has fairly undertaken before this Forum to pay the same along with its arrears of Rs.1,679.04 in respect of the lost meter No. M018877. As such the Complainant has fairly undertaken before this Forum to pay total amount of Rs.1,75,445.00 waiving the DP and interest charges from the month of April 2003, thereupon.

11.0 We find every justification and warrant to uphold such ready and willingness shown by the Complainant to pay Rs.1,75,445.00 against arrears of electricity charges payable by the deceased consumer Shri Bhimsen Krishna Kadam for a simple reason that the Respondent BEST Undertaking does not have any iota of evidence providing any explanation to show as to how the complainant consumer Shri Bhimsen Krishna Kadam was liable to pay electricity charges in arrears of Rs. 1,73,766.80 as debited in his account in the year 2003 as shown in the ledger folio. Besides it, significant to observe that the consumer late Shri Bhimsen Krishna Kadam had already informed the Respondent BEST Undertaking vide his application dated 02.04.2003 about the lost of Meter No. M018877 and submitted a copy of the police complaint along with the said application, placed before this Forum at Annexure ‘B’ by the Respondent itself. A bear perusal of this copy of the application dated 02.04.2003 manifests that the Respondent BEST Undertaking had received the same as in token thereof, there is rubber seal of the Respondent BEST Undertaking and the signature of the concerned receiving clerk thereupon. However, the Respondent BEST Undertaking has submitted before this Forum having not received a copy of the police complaint along with application dated 02.04.2003. This forum finds no merits into such contentions raised on behalf of the Respondent for a simple reason that in the contingency the copy of the police complaint was not received along with the said application dated 02.04.2003, the Respondent BEST Undertaking ought to have informed the deceased consumer accordingly at the relevant time. We, therefore hold that despite receiving intimation of lost of the Meter No. M018877 along with the copy of the police complaint, no alternate meter was provided by the Respondent BEST Undertaking to the deceased complainant in the year 2003. This Forum proceeded to observe that in the year 2003 Regulation like 14.2.1 provided under the MERC (Electric Supply Code & Other Conditions of Supply) Regulation 2005 was not in operation. It is therefore highly unsustainable on the part of the Respondent BEST Undertaking to ask for the compliances to the said Regulation from the deceased complainant consumer.

12.0 In the aforesaid observations and discussions to reiterate we find a very fair approach on the part of the Complainant. It is highly unsustainable on the part of the Respondent BEST Undertaking to submit before this forum that the matter of waiving the DP and interest charges has been pending with its Audit Department. In the aforesaid observations and discussion, we hold that the payment of Rs.1,75,445/-

undertaken by the Complainant consumer should give a quietus to the present dispute. Accordingly we proceed to pass the following order.

ORDER

1. The complaint No. N-G(N)- 226 stands partly allowed.
2. The Respondent BEST Undertaking has been directed to accept the amount of Rs.1,75,445/- from the Complainant by waiving rest of the DP and interest charges thereupon, in full and final settlement of the electricity charges in arrears claimed by it.
3. The Respondent BEST Undertaking further directed to reconnect electric supply by providing electric meter to the Complainant consumer after receiving the aforesaid payment from the Complainant at the earliest and to inform the said compliances to this Forum within a period of one month there from.
4. Copies of this order be given to both the parties.

(Shri S.M. Mohite)
Member

(Shri M P Thakkar)
Member

(Shri R U Ingule)
Chairman