

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-GN-281-2015 dtd. 30/12/2015.

Shri Ramshankar GuptaComplainant

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 Sunil Gupta
2. Shri Ramshankar Gupta

On behalf of the Respondent : 1. Shri Subhash Chougule, Supdt. CC(G/N)
2. Smt. P.S. Kekane, AAM CC(G/N)

Date of Hearing : 24/02/2016

Date of Order : 29/02/2016

Judgment by Shri. Vinayak G. Indrale, Chairman

Shri Ramshankar Gupta, DET/14/16, Poonawala Chawl, Dharavai Main Road, Dharavi, Mumbai - 400 017 has come before the Forum for complaint regarding high bill for the month of April 2014 to Sept. 2014 and waiver of Interest & Delayed Payment charges pertaining to A/c no. 781-389-002.

Complainant has submitted in brief as under :

The complainant has approached to IGR Cell on 10/11/2015 for complaint regarding high bill for the month of April 2014 to Sept. 2014 and waiver of Interest & Delayed Payment charges pertaining to A/c no. 781-389-002. The complainant has approached to CGRF in schedule 'A' dtd. 28/12/2015 (received by CGRF on 29/12/2015) as he was not satisfied by the remedy provided by the IGR Cell of Distribution Licensee regarding his grievance.

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

- 2.0 The complainant Shri Ramshankar Gupta has come before the Forum regarding dispute of charging 21080 units after removal of meter Number N103422 and to waive Delay Payment charges and Penalty Interest on revised claim amount of Rs 21,91,582.00/- as per Electricity Ombudsman's order under Rep 47 of 2013 dated 5th July 2013, as amount was not paid by him within stipulated period.
- 3.0 Electric supply was given to the premises under reference under A/C No 781-389-002*7. In the month of August 2012 an amount of Rs 41,11,196.00 was debited in the complainant's account towards unpaid charges of Shri Satya Prakash Narayan (A/C 781-399-041) and M/S S Anand Leather Works (A/C 781-399-079) being previous occupier of the premises.
- 4.0 Aggrieved with this action , the complainant had approached to CGRF BEST vide case number N-G(N)-174-2012 dated 29/11/2012 and then moved to Electricity Ombudsman vide Rep 47 of 2013. As per order of Hon'ble the Electricity Ombudsman, the outstanding amount revised to Rs 21,91,582/- . This amount was reflected in electricity bill for the month July 2013. This was informed to the complainant vide letter dated 07/07/2013. The complainant's representative has accepted this letter on 01/08/2013.
- 5.0 The complainant had requested vide his letter dated 08/08/2013 to grant installments for the claim amount. He further requested to give him some time for payment. A lot of correspondence was made for payment of claim amount of Rs 21,91,582/-. On 02/01/2014 complainant's electric supply was disconnected by removing of meter number N103422 with last meter reading as 92810. The same was updated in system in Oct 2014. The consumer was billed for 21070 units on unread basis after removal of meter.
- 6.0 The complainant has approached for reconnection of electric supply vide application 196275 dated 18/02/2015. He had paid Outstanding of Rs 21,91,582/- in installments from Feb 2015 to Aug 2015. Electric supply to his premises has been restored through N128419 from March 2015.

- 7.0 As on December 2015, total outstanding amount pertaining to A/c no. 781-389-002*7 was Rs. 11,94,550/-. This outstanding amount includes DP charges and penalty interest as consumer had not paid the outstanding amount of Rs. 21,91,582/- in time.
- 8.0 As stated in complaint letter by the consumer that he had paid Rs. 29,70,000/- against Rs. 21,91,582/- after removal of meter is not true. In fact his two nos. of cheques of Rs. 3,90,000/- were dishonoured by the bank. The same amount was paid by him along with penalty for dishonoured cheque.
- 9.0 Necessary dr/cr has been worked out resulting in net credit of Rs. 3,61,788.87 towards refund of wrongly charged 21070 units after removal of meter. The consumer is liable to pay the remaining amount.

REASONS

- 10.0 We have heard the arguments of the complainant in person and for the Respondent BEST Undertaking Shri Subhash Chougule, Supdt. CC(G/N), Smt. P.S. Kekane, AAM CC(G/N). Perused the documents filed by the complainant along with Schedule 'A' and written statement filed by the Respondent BEST Undertaking along with documents marked at Exhibit 'A' to 'M'.
- 11.0 The complainant has submitted that the Respondent BEST Undertaking has never issued him the bill giving detailed particulars and therefore he could not pay the same and so the Respondent BEST Undertaking has no right to charge DPC and interest. He has submitted that he has undergone heart operation and his financial condition is not sound and therefore unable to pay the electricity charges as per installment granted by the CGRF. The Respondent BEST Undertaking has submitted that previously the complainant has filed the complaint bearing no. N-G(N)-174-2012 before CGRF and same was decided on 18/04/2013. By the said order, the CGRF had granted six equal monthly installments to the complainant to pay the electricity charges and he has failed to deposit the same and therefore the BEST has rightly charged DPC and interest.
- 12.0 It appears that the complainant has challenged the order of CGRF before Electricity Ombudsman, Mumbai and Ombudsman had reduced the claim from Rs. 41,11,196/- to Rs. 21,91,582/-. The Respondent BEST Undertaking has submitted that Ombudsman did not interfere in the order passed by the CGRF regarding installment granted to the complainant. The Respondent BEST Undertaking further submitted that the complainant approached the BEST Undertaking authority and again asked for installment and concerned officer of the BEST has permitted the complainant to deposit 50% amount at one stroke and for remaining amount to be payable in two installments, approval of the higher authorities is require. In spite of the installments granted to the complainant, he failed to pay the electricity dues and therefore the amount was increased by adding DPC and interest on it.

- 13.0 We do not find any substance in the contention of the complainant that BEST authorities have not given him the detailed particulars of electricity dues. The record goes to show that from time to time the electricity bills have been issued to the complainant giving the detailed particulars and he failed to pay the same. The record goes to show that the electricity bills have been issued on the address of the premises of the complainant and same have been served upon him.
- 14.0 After hearing the arguments and documents filed by the complainant as well as the Respondent BEST Undertaking, it appears that the grievance of the complainant is in respect of DPC and interest charged by the Respondent BEST Undertaking as the complainant failed to pay the electricity dues. The complainant himself was negligent and the DPC and interest have been charged by the Respondent BEST Undertaking as per MERC Regulation and therefore the complainant is liable to pay the same. The complainant has placed on record electricity bills for the month of February 2016 and total amount due is shown as 12,27,860/-. It includes interest on arrears of Rs. 16,646/-. In written statement, the Respondent BEST Undertaking has submitted that necessary dr/cr has been worked out for 21070 units levied after removal of meter no. N 103422 amounting to Rs. 3,61,788.87 and will be adjusted after scrutiny of Audit Dept. Thus, the complainant is entitle to get credit of Rs. 3,61,788.87 and DPC and interest charged on the said amount. The representative of the Respondent BEST Undertaking has submitted that they will give the credit of above said amount in ensuing bill which will be issued to the complainant in due course as it is required to be approved by the Audit Dept.
- 15.0 After deducting the above said amount the complainant is liable to pay balance amount promptly otherwise dues will be increased by adding DPC and interest. The complainant again and again has submitted that he has undergone heart surgery and unable to pay the arrears at one stroke and therefore requested to grant installments for payment of the dues. We think it just and proper to grant installments to the complainant to repay the balance amount in six monthly equal installments.
- 16.0 For the above stated reasons, we find substance in the grievance of the complainant in respect of charging units of 21070 after removal of meter. For that the complainant is entitle to credit note with benefit of DPC and interest on that amount. In result we pass the following order.

ORDER

1. The complaint no. N-GN-281-2015 dtd. 30/12/2015 is partly allowed.
2. The Respondent BEST Undertaking is hereby directed to issue revise bill after deducting credit amount of Rs. 3,61,788.87 and DPC and interest charged on that amount to the complainant within 15 days of receipt of this order.

3. The complainant is permitted to repay the balance amount as shown in revised bill in six monthly equal installments i.e. 10th of every month commencing from April 2016 to Sept. 2016.
4. If the complainant commits default in payment of any of the installments as stipulated above, he will be liable for DPC and interest.
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