

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-316-2017 dtd. 06/03/2017

Taufiq Ali I. HussainComplainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Chairman

Quorum : Shri V. G. Indrale, Chairman

Member

1. Shri S.V. Fulpagare, Member
2. Shri S.M. Mohite, Member, CPO

On behalf of the Complainant : 1. Shri P.P. Kulkarni, DECC(G/N)
2. Smt. P.S. Kekane, AAM, CC(G/N)

On behalf of the Respondent : 1. Shri Farid Khan

Date of Hearing : 27/04/2017

Date of Order : 05/05/2017

Judgment by Shri. Vinayak G. Indrale, Chairman

Taufiq Ali I. Hussain, GNMC-24, Siddik Bhai Godown, Dharavi Main Rd., Nr. Sanallah Compd., Mahim Rly. Stn., (E), Dharavi, Mumbai - 400 017 has come before the Forum for high bill complaint pertaining to a/c no. 781-033-027.

Complainant has submitted in brief as under :

The complainant has approached to IGR Cell on 19/07/2016 for high bill complaint pertaining to a/c no. 781-033-027. The complainant has approached to CGRF in schedule 'A' dtd. 06/03/2017 (received by CGRF on 06/03/2017) 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 Shri. Taufiq Ali I Hussain came before the Forum regarding his dispute about high bill pertaining to A/C No 981-033-027.
- 3.0 Electric supply was given to the complainant's premises under reference through meter number M090204 from 28/07/2009 for commercial purpose. This meter had recorded steady average monthly consumption between 500 units to 900 units from the date of installation. The electric consumption of the complainant had increased to around 1500 units per month from February 2012 to July 2012. The complainant had complained about high bill vide his letter dated 09/05/2012 (ID 106340). Meter M090204 had site tested on 21/05/2012 and found working within permissible limits of accuracy. Hence meter was not replaced.
- 4.0 The meter reader had brought " No Display " remark in August 2012 and consumer was billed on estimated average basis from August 2012. Again meter M090204 was tested at site on 18/01/2013 and found stopped. The meter M090204 was replaced by meter N118982 on 14/02/2014. The connected load on this meter found as T.L. 10 nos., Fan 5 nos. and SWM-S-6.
- 5.0 Meter M090204 was tested in lab on 29/05/2014 in presence of the complainant and found working within permissible limits of accuracy (Dial test result shown as % error is 0.184%) and Real Time Clock failure. The meter had recorded progressive reading further upto 52623.63, which matches with estimated billing done from August 2012 upto replacement of the meter.
- 6.0 The consumer was not paying his electricity dues regularly from June 2011. Hence, his bill was increased to Rs. 10,76,993.69 by adding remaining bill, DP & interest. The complainant's meter was removed for non-payment of bill in November 2016.

REASONS

- 7.0 We have heard arguments of Shri Farid Khan representative of the complainant and for the Respondent BEST Undertaking Shri P.P. Kulkarni, DECC(G/N) and Smt. P.S. Kekane, AAM, CC(G/N). Perused the documents placed before us.
- 8.0 The representative of the complainant has vehemently submitted that the action of the Respondent BEST Undertaking charging DPC & Interest on Arrears (IOA) is illegal and thereby electricity bill has been increased. He has further submitted that initially the complainant has made the complaint of high bill and the Respondent BEST

Undertaking checked the electric meter in lab which was found OK and so now the complainant has no grievance about the said meter.

- 9.0 We have cautiously gone through the record and it appears that from time to time the complainant has addressed letters to the higher authorities of the Respondent BEST Undertaking requesting them to deduct the DPC and IOA which has been charged in electricity bill of every month. Thus the grievance of the complainant appears to be regarding charging of DPC and IOA. The Respondent BEST Undertaking has submitted that the complainant was using electricity supply for commercial purpose and he was neglecting in payment of electricity bills and therefore it has increased upto near about Rs. 11 lacs. We have gone through the Meter Ledger Folio which is at pg. 51, 53, 57 and 59/C. After perusal of the same it appears that last payment of electricity dues was made by the complainant on February 2015 and it was part payment. It appears that the meter was removed in the month of November 2016 i.e. near about after 21 months.
- 10.0 The best reason known to the Respondent BEST Undertaking as to why they have caused delay in removing the meter and why they have not taken action u/s 56(1) of E.A. 2003. Thus the representative of the complainant has also fairly conceded that there was no fault in the meter and the electricity bill was increased due to IOA and DPC. He has therefore prayed to exempt the IOA and DPC. It appears that the complainant himself was neglecting in payment of electricity dues and therefore DPC and IOA has been automatically generated in the electricity bills, as per MERC Regulation.
- 11.0 We may hasten to add that considering the huge arrears of electricity dues, which has been increased due to levy of IOA & DPC, the complainant may not be in a position to pay such a huge bill in one go. Thus we find substance in the contents of representative of the complainant, that the complainant's financial condition is not sound. The representative of the complainant prayed to grant reasonable installments as the complainant will pay 50% of electricity dues within one month and remaining 50% amount will be paid in 12 equal monthly installments. However, at the same time this Forum cannot give blind eye to the fact that the complainant's financial condition certainly does not able him to pay such a huge bill in one go. Therefore there is a warrant and justification available to allow the complainant to pay such electricity bill in installments along with waiving the interest and DPC from the date of removal of meter i.e. November 2016. We have gone through the record and it appears that on the day of removal of meter total amount of electricity dues towards the complainant was Rs. 10,76,994.00 so we direct the complainant to pay Rs. 5,50,000.00 within one month from the date of receipt of the order and pay remaining amount in 12 equal monthly installments. Accordingly we proceed to pass the following order.

ORDER

1. The complaint no. N-GN-316-2017 dtd. 06/03/2017 stands allowed to the following extent only.
2. The Respondent BEST Undertaking is directed to allow the complainant consumer to pay Rs. 5,50,000.00 an amount towards outstanding of electricity bill within one month from the date of receipt of this order.
3. The Respondent BEST Undertaking is further directed to allow the complainant consumer to pay remaining amount of electricity dues in 12 equal monthly installments along with current monthly electricity dues. If the complainant makes default in payment of installment, then he will be liable to pay IOA.
4. The Respondent BEST Undertaking is further directed to refrain from levying any DP and interest on the above said outstanding bill to be paid by the complainant consumer.
5. The Respondent BEST Undertaking is directed to give electric supply to the complainant after depositing Rs. 5,50,000.00. Compliance of this order to be informed to the Forum within a period of one month, therefrom.
6. Copies of this order be given to both the parties.

(Shri S.V. Fulpagare)
Member

(Shri S.M. Mohite)
Member

(Shri V.G. Indrale)
Chairman