

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)-265-2015 dtd. 23/07/2015.

Shri Khan Mohd. SalimComplainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Chairman

Quorum : Shri V. G. Indrale, Chairman

Member

1. Shri S.S. Bansode, Member
2. Shri S.M. Mohite, Member CPO

On behalf of the Complainant : 1. Shri Akram Khan
2. Shri Farid Khan

On behalf of the Respondent : 1. Shri P.P. Kulkarni, DECC(G/N)
2. Shri S.M. Deshmukh, Supdt. CC(G/N)
3. Shri N.L. Watti, AAM CC (G/N)

Date of Hearing : 25/08/2015

Date of Order : 07/09/2015

Judgment by Shri. Vinayak G. Indrale, Chairman

Shri Khan Mohd. Salim, 117, Ground floor, Dabbawala Compound, Dharavi Main Road, Nr. Vaibhav Apartment, Dharavi, Mumbai - 400 017 has come before the Forum for transfer of pending arrears of Rs. 13,65,000.00 pertaining to A/c no. 781-200-003 into A/c no. 781-200-035 , high bill thereon.

Complainant has submitted in brief as under :

The complainant has approached to IGR Cell on 29/10/2013 for transfer of pending arrears of Rs. 13,65,000.00 pertaining to A/c no. 781-200-003 into A/c no. 781-200-035 , high bill thereon. The complainant has approached to CGRF in schedule 'A' dtd. NIL (received by CGRF on 20/07/2015) as he was not satisfied by the remedy provided by the IGR Cell Distribution Licensee regarding his grievance.

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

- 2.0 The electric supply was rendered to Shri Jamil Salim Khan through meter no. B048824, a/c no. 781-200-003*8 on 03/04/2008 for commercial purpose. Meter no. B048824 was replaced by meter no. M088859 on 24/10/2008 for the reason higher capacity. After extension of load to a/c no. 781-200-003*8 in October 2008, the consumer has not paid this bill amount. This meter no. M088859 was removed for non-payment of electricity charges on 11/07/2009.
- 2.1 Meter no. M088859 was deleted from EDP master file from June 2010, however a/c no. 781-200-003*8 was not deleted from master file. Since the consumer has not paid electricity bills pertaining to a/c no. 781-200-003*8 from October 2008, the unpaid electricity charges have increased to Rs. 13,52,724.00 as on June 2012.
- 2.3 In the month of July 2012, this arrears amount of Rs. 13,52,724.00 pertaining to a/c no. 781-200-003*8 has been transferred into another a/c no. 781-200-035 which is in the name of Shri Khan Mohd. Salim who is father of the defaulter consumer. Inadvertently, after transferring the said arrears into another a/c i.e 781-200-035 the same is still appearing in old account i.e. a/c no. 781-200-003*8. After levy of DP charges and penalty interest same arrears amount has increased to Rs. 18,24,680.00 as on July 2015 in a/c no. 781-200-003*8.
- 3.0 A/c no. 781-200-035* stands in the name of Shri Khan Mohd. Salim whose premises is adjacent to the premises of his son Shri Jamil Salim Khan (a/c no. 781-200-003*8). Meter no. M142865 pertaining to a/c no. 781-200-035 was removed for the reason of non-payment of electricity bills on 21/05/2015.
- 4.0 Total outstanding amount pertaining to a/c no. 781-200-035* is Rs. 24,68,950.00 (inclusive of debited amount of Rs. 13,52,724.00 of a/c no. 781-200-003*8) in the month of July 2012. The consumer has paid last bill Rs. 1 lac in February 2015.

REASONS

- 5.0 We have heard the arguments of Shri Akram Khan representative of the complainant and for the Respondent BEST Undertaking Shri P.P. Kulkarni, DECC(G/N), Shri S.M. Deshmukh, Supdt. CC(G/N) and Shri N.L. Watti, AAM CC (G/N). We have perused the

documents filed by the complainant Shri Khan Mohd. Salim along with Annexure 'A' i.e. electricity bill in the name of Shri Khan Mohd. Salim having a/c no. 781-200-035 for the month of June 2015 showing total arrears of Rs. 24,44,490.00 and another bill in the name of Shri Jamil Salim Khan having a/c no. 781-200-003*8 for the month of June 2015 showing total amount due Rs. 18,11,870.00.

- 6.0 It is the grievance of the complainant that the amount of bill due under a/c no. 781-200-003*8 has been debited in the a/c no. 781-200-035 in the year 2012 and therefore action of the Respondent BEST Undertaking continuing both the accounts adding DP and interest is not legal, so it the grievance of the complainant that the electricity bill issued in lieu of a/c no. 781-200-003*8 be struck off, DP charges and interest amount levied on the said amount be deleted and he be allowed to pay the electricity dues by installment. The complainant has also prayed to re-fix the meter on payment of requisite arrears by installments.
- 7.0 The Respondent BEST Undertaking has filed written statement and documents along with Appendix 'A' to 'R'. The Respondent BEST Undertaking in its written statement has come up with a case that they have already made proposal of waiver of DP and interest for a/c no. 781-200-003*8 to Audit Dept. and same is yet not finalized. Thus according to the Respondent BEST Undertaking, the complainant has utilized the electricity under a/c no. 781-200-003*8 and without payment of huge electricity bill he had chosen to obtain new electric connection in the name of the complainant and therefore the complainant is not entitled to take the benefit of waiver of DP and interest.
- 8.0 According to the Respondent BEST Undertaking, the complainant Shri Khan Mohd. Salim is a father of Shri Jamil Salim Khan in whose name the electricity connection was obtained vide a/c no. 781-200-003*8, thus it is clear that the electricity connection obtained by Shri Jamil Salim Khan as well as the complainant Shri Khan Mohd. Salim was for the same premises for commercial purpose i.e. for running garment business. We have gone through the Ledger Folio of both the above said accounts and it appears that the complainant and his son both have consumed electricity for commercial purpose. It reveals that to some what extent the complainant deceived the Respondent BEST Undertaking and without making the payment under a/c no. 781-200-003 it fraudulently obtained new electricity connection under a/c no. 781-200-035.
- 9.0 Having regard to this conduct of the complainant and his son as well as nothing has been brought on record by the complainant to exempt DP and interest charged on accumulation, this Forum is not inclined to grant any exemption in that regard. We are saying so because the complainant has not come to the Forum that the consumption recorded is not correct or it is not a case of high bill. The representative of the complainant repeatedly submitted that the complainant is ready to pay the arrears provided if suitable installment is granted by waiving DP and interest. When the complainant himself was not diligent in payment of electricity charges for electricity consumed for commercial purpose, then he is not entitled to get benefit for his own

wrong and pray for exemption of DP and interest. The complainant has submitted that the Respondent BEST Undertaking without any intimation has debited an amount of Rs. 13,52,724.00 in a/c no. 781-200-035, the Respondent BEST Undertaking has placed on record documents i.e. Exhibit 'C' & 'D' dtd. 29/06/2012. By these letters, the Respondent BEST Undertaking has informed the complainant that it is transferring the arrears of bill of Rs. 13,52,724.00 pertaining to a/c no. 781-200-003 into a/c no. 781-200-035. The Respondent BEST Undertaking has informed the complainant that room no. 117 and room no. 116 at Dharavi belongs to Shri Jamil Salim Khan and Shri Khan Mohd. Salim who are from one family and therefore the complainant is liable to pay the electricity dues for a/c no. 781-200-003.

- 10.0 Thus from the electricity bills produced by the complainant in respect of above said two accounts, it is clear that although the amount of arrears under a/c no. 781-200-003 has been transferred to a/c no. 781-200-035, still the Respondent BEST Undertaking is charging DP and interest on arrears of both accounts. Considering this aspect, the grievance of the complainant that he is not liable to pay DP and interest as charged by the Respondent BEST Undertaking on both the accounts appears to be genuine.
- 11.0 In view of this aspect of the case, this Forum is inclined to direct the Respondent BEST Undertaking to cancel the bill issued under account no. 781-200-003*8 for Rs. 18,11,870.00 as the debit note in respect of the said amount has been issued by adding the amount in a/c no. 781-200-035.
- 12.0 We have already discussed and observed that the complainant has no grievance about the charging of electricity bill. We are saying so because the complainant has used the electricity charges for commercial purpose i.e. for running garment factory and at the same time has not taken little care of paying the electricity charges. In view of this aspect, this Forum is not inclined to grant any exemption for waiving of DP and interest. Total amount due towards the complainant by the end of June 2015 comes to Rs. 24,44,490.00. The representative of the complainant has submitted that the complainant has let out the premises on rent and the persons who were running the business did not pay the electricity charges and therefore it is accumulated and now the complainant is not in a position to pay the same amount at one stroke. The complainant has again and again requested to grant installment and direct the Respondent BEST Undertaking to reconnect the electricity on depositing the arrears and thereby he will be in a position to do the business and pay the electricity dues.
- 13.0 Having regard to this aspect of the case, the Forum wishes to direct the complainant to pay 50% dues i.e. 12,22,245.00 within one month from the date of order and thereafter the Respondent BEST Undertaking should reconnect electric supply. The complainant is allowed to pay the remaining amount of Rs. 12,22,245.00 in monthly five equal installments amounting to Rs. 2,44,449.00 payable on or before 10th day of every month i.e. first installment due on 10/11/2015, 2nd on 10/12/2015, 3rd on 10/01/2016, 4th on 10/02/2016 and 5th on 10/03/2016. If the complainant pays the said amount as stated above without any default, in that case he is entitled to get

benefit of waiver of DP and interest charged by the Respondent BEST Undertaking. In result we pass the following order.

ORDER

1. The complaint No. N-G(N)-265-2015 dtd. 23/07/2015 stands partly allowed as under.
2. The electricity bill issued by the Respondent BEST Undertaking pertaining to a/c no. 781-200-003*8 is hereby cancelled, as amount due in that account is debited in a/c no. 781-200-035.
3. The complainant is directed to deposit 50% amount i.e. Rs. 12,22,245.00 within one month from the date of receipt of order and in that case the Respondent BEST Undertaking should reconnect the electric supply to the premises.
4. The complainant is directed to pay the remaining 50% amount by equal five installments payable on 10th of every month.
5. If the complainant pays the above said amount as stated above without default, in that case he is entitled to get benefit of waiver of DP and interest charged automatically for the period from July 2015 till March 2016.
6. The Respondent BEST Undertaking is hereby directed to report the compliance from time to time up to last installment paid by the complainant.
7. Copies of this order be given to both the parties.

(Shri S.S. Bansode)
Member

(Shri S.M. Mohite)
Member

(Shri V.G. Indrale)
Chairman