

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)-60-08 dt . 18/12/2008

Raj Bahadur S. PandeyComplainant

V/S

B.E.S. & T. UndertakingRespondent

Present

Quorum 1. Shri. M.P. Bhave, Chairman
2. Shri. S. P. Goswami, Member
3. Smt. Vanmala Manjure, Member

On behalf of the Complainant 1. Shri. S.N. Pawar
2. Shri. Rajbahadur S. Pandey

On behalf of the Respondent 1. Shri. P.S. Deshpande, AOCC(G/N)
2. Shri. V.R. Parate, Supdt. CC (G/N)

Date of Hearing: 16 /01/2009

Judgment by Shri. M.P. Bhave, Chairman

Shri. Raj Bahadur S. Pandey, Dharavi, Mumbai – 400 017 has come before this Forum for his grievance regarding waiver of DP Charges of Rs.33,000/- & crediting the same in A/c No. 729-257-197.

Brief history of the case

- 1.0 On 26/12/2001 Meter No. 0463871 under A/C No. 729-257-023 of Shri. Raj Bahadur S. Pandey (the complainant), Dharavi, Mumbai – 400 017 was removed for non payment of O/S amount of Rs.118452.65/-.
- 2.0 As per BEST Outstanding amount of the complainant was debited in the A/C No. 729-257-105, Meter No. G032739 of Shri. Selvraj Nadar from whose meter the complainant had taken an unauthorized supply.
- 3.0 On 12/9/2006 the complainant approached IGR Cell of BEST in Annexure 'C' format regarding his grievances of outstanding amounts & interest. He requested in his application for waiver of outstanding amount & interest amount. He also informed BEST that he is ready to pay the balance amount after waiver of interest & outstanding amount.
- 4.0 Vide letter dtd. 11/10/2006 complainant requested BEST not to disconnect Meter No. G912653 of A/C No 729-257-105 till the dispute is finalized.
- 5.0 Vide letter dtd. 22/11/2006 BEST informed complainant that DP Charges of Rs.7801.81 levied after the removal of meter are being waived. For the waiver of DP Charges of Rs.33,762.88/- levied before the removal of meter, proposal is forwarded for management section & decision in this regard shall be informed accordingly.
- 6.0 On 22/5/2007 Shri. Selvraj Nadar paid O/S of the complainant as well as his own hence credit of Rs.45543.69 was given to Shri. Nadar under amnesty scheme.
- 7.0 Vide letter dtd. 28/11/2006 Shri. Pandey informed BEST that he is owner of the premises of A/C no 729-257-023 & A/C no. 729-257-105. Complainant informed BEST that DP charges are levied on both the accounts. He requested BEST to consider his case under amnesty scheme declared by General Manager BEST to waive the interest amount in bill 729-257-023 & again requested BEST not to disconnect the meter of A/C No. 729-257-105 till the final settlement.
- 8.0 Unsatisfied by the reply given by IGR Cell of BEST against complaint in Annexure 'C', the complainant approached BEST in schedule 'A' on 15/12/2008.

Consumer in his application and during Hearing stated the following

- 1.0 Complainant said that as per request letter he has paid total outstanding including delayed payment charges. BEST has forwarded a proposal to waive DP Charges of Rs.33,000/- through their Audit department. However, BEST's Audit dept. has refused to waive DP Charges. His request for waiver of DP charges is within the time frame of DP waiver scheme approved by the General Manager, BEST.

- 2.0 He has approached BEST's Internal Grievance Redressal Cell in Annexure 'C' format on 11/9/2006. However, negative reply was received from BEST on 14/5/2008 i.e. after a lapse of 6 months.
- 3.0 He has requested Forum to waive the DP Charges of Rs.33,000/- & requested for crediting the same in his account no. 729-257-197.
- 4.0 He stated that when his meter was disconnected in the year 2001, he took electricity from Shri. Nadar having commercial tariff meter.
- 5.0 He has stated that BEST has given relief to Shri. Selvraj Nadar, A/c No. 729-257-105 under amnesty scheme on the outstanding amount of Shri. Nadar & outstanding amount Shri. Pandey debited in his account in the bill month of 2005. BEST has not given relief under amnesty scheme on outstanding amount for the period April 2000 to May 2005 (date of debiting the outstanding amount of Shri. Pandey, A/c No. 729-257-023 in the A/c of Shri Nadar, (A/c No. 729-257-105)
- 6.0 He stated that at present he is the owner of the Shri. Nadar's premises. Very shortly he will apply for change of name so that A/c No. 729-257-105 of Shri. Nadar will be on his name.
- 7.0 When the complainant's attention was drawn to the fact that the amnesty scheme is applicable for the period after April 2000 only, he revised his request for getting relief under amnesty scheme as admissible under the scheme.

BEST in its written statement and during Hearing stated the following:

1. The meter no. 0463871 which was in the name of Shri. R.S.Pandey under A/C No. 729-257-023 removed on 26/12/01 & OS was created of Rs.1,19,962.65. After adjustment of Security Deposit of Rs.1510/- the final recoverable amount arrived at Rs.1,18,452.65.
2. After disconnection of Supply, Mr. Pandey had taken electric supply from meter no. G 912653 of Mr. V.Selvam Nadar and therefore the said outstanding amount was debited in the A/C No.729-257-105 of Mr. V.Selvam Nadar in the bill month of May 2005.
3. While verifying the records, it has been noticed that the outstanding bills of Rs. 1,18,452.65 of Mr. Pandey A/C No.729-257-023 and the bill of Mr. V.Selvam Nadar A/C No. 729-257-105 of Rs.28962.66 was paid by Shri. Selvam Nadar on 22/5/07. Since Shri. Selvam Nadar settled the above total dues of Rs.1,47,415.31 in one stroke as per the amnesty scheme introduced by the GM. Shri. V. Selvam Nadar was granted the waiver of Delayed Payment charges of Rs.45,543.69 in the bill of May 2007.

4. As the benefit of Amnesty Scheme was given to Shri.V.Selvam Nadar, hence the question of giving benefit of Amnesty scheme again to Shri. Pandey does not arise.
5. In view of the above, applicant consumer's (R. S. Pandey) request for relief of credit the Delayed Payment charges of Rs. 45543.69 to be credited in the A/C. ie. 625-257-197 is not justified.
6. Relief under amnesty scheme was given to the consumer Shri. Nadar, who had settled the outstanding amount as per GM BEST's circular dtd. 17/8/2005 regarding amnesty scheme.
7. D.P Charges of Rs.7801.81/- levied on the complainant before removal of the meter has been waived by BEST.

Observations

1. Under amnesty scheme announced by General Manager BEST vide circular dtd. 17/8/2006 'all the electricity consumers of BEST who are willing to settle the outstanding amount will be granted amnesty by way of waiver of accrued delayed payment charges (D.P) for the last 5 years i.e. bill month of April 2000 onwards'.
2. Complainant's meter was disconnected on 26/12/2001 & his outstanding amount was debited in the A/c of Shri. Nadar in May 2005.
3. On 22/5/2007 Shri. Nadar settled the outstanding of his account as well as outstanding of Shri. Pandey which was debited in his account. Under amnesty scheme BEST gave relief of Rs.45,543.69/- to Shri. Nadar as he has made the payment of outstanding in one stroke.
4. As Mr. Nadar has settled the account of Mr. Pandey, any D.P Charges so levied on Mr. Pandey's account are also falling under amnesty scheme.
5. The consumer has also written and made aware to BEST about D.P Charges present in the bill settled by Mr. Nadar.
6. When asked about the details of the calculation of relief given under amnesty scheme, the BEST representative said that it is done by the computer. Therefore, it has become necessary to recalculate the relief under amnesty scheme.
7. From the above it appears that there is a possibility of some error in calculating the relief under amnesty scheme. Hence same is required to be recalculated considering the transactions in the A/c No. 729-257-023 of Shri. Pandey & A/c No. 729-257-105 of Shri. Nadar & accordingly credit/debit adjustment is required to be done by BEST.

ORDER

1. BEST is directed to recalculate the relief under amnesty scheme for the A/c No. 729-257-023 of Shri. Pandey, the complainant & A/c No. 729-257-105 of Shri. Nadar within a period of 30 days from the date of order & inform the complainant accordingly.
2. Complainant is directed to comply with as per the credit/debit adjustment informed by BEST.
3. Copies be given to both the parties.

(Shri. M. P. Bhave)
Chairman

(Shri. S. P. Goswami)
Member

(Smt. Vanmala Manjure)
Member