

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-F/N-208-2013 dtd. 05/09/2013

M/s Reliance Jewellery Watches (P) Ltd.Complainant

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 Rajesh Sharma

On behalf of the Respondent : 1. Shri M.S. Shaikh, Asst. Engr.CC(F/N)
2. Shri D.T. Malvankar (Supervisor)
3. Shri V.M. Patil (Supervisor (P))

Date of Hearing : 18/10/2013

Date of Order : 01/11/2013

Judgment by Shri. R.U. Ingule, Chairman

Reliance Jewellery Watches Pvt. Ltd., Room no. 1, Basement, Rajvi Bldg. (Matruchhaya Bldg.), Bldg. no. 21, K.A. Subramanium Road, Matunga, Mumbai - 400 019 has come before the Forum for dispute regarding disconnection of meter no. M017105 pertaining to A/c 604-363-049*2 and purported demand of Rs. 7,380.00 thereon.

Complainant has submitted in brief as under :

1.0 The complainant has approached to IGR Cell on 12/06/2013 for grievance regarding wrong bill pertaining to A/c 604-363-049*2. The complainant has approached to CGRF in schedule 'A' dtd. 02/09/2013 (received by CGRF on 02/09/2013) as the consumer is not satisfied with the remedy provided by the IGR Cell Distribution Licensee regarding his grievance. The complainant has requested the Forum to set aside the purported demand of Rs. 7,380.00.

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

- 2.0 Complainant's meter no. M017105 a/c no. 604-363-049*2 was installed for commercial purpose. Vigilance raid was conducted on 24/09/2008 for direct supply and after the due Panchanama the complainant's meter was removed by Vigilance Dept. on 17/06/2008 for the reason non-payment of penalty towards direct supply. Inadvertently this meter was not removed from EDP's master tape. Hence electricity bills were generated and served to the complainant regularly.
- 3.0 From December 2012 onwards the complainant was sent electricity bill based on estimated consumption. As on July 2013, complainant's bill was amounting to Rs. 1,77,637.00.
- 4.0 After receiving the complaint the Undertaking has made necessary debit / credit arrangement and have given net credit of Rs. 1,70,257.07 (Rs. 1,59,857.05 towards energy charges + Rs. 7,012.63 towards interest + Rs. 3,387.39 towards DP charges) and the complainant was asked to pay Rs. 7,380.00 and he objected for the same.
- 5.0 The complainant has consumed 606 electricity units and the Undertaking has to asked to pay the charges towards consumption of the same and requested the Forum to direct the complainant to pay the legitimate amount of Rs. 7,380.00

REASONS

- 6.0 We have heard Shri Rajesh Shah for the complainant and for the Respondent BEST Undertaking Shri M.S. Shaikh, Asst. Engr.CC(F/N), Shri D.T. Malvankar (Supervisor), Shri V.M. Patil (Supervisor (P)). Perused papers placed before us.
- 7.0 At the outset this Forum observes that the complainant has blown the controversy to be redressed with by this Forum, out of its proportion. On perusing the documents this Forum observes that in fact the controversy to be resolved, moves in a very narrow compass.
- 8.0 Therein this Forum finds that the long and short of the controversy raised by the complainant has been that, in no circumstances the Respondent BEST Undertaking can be permitted to claim purported energy charges of Rs. 7,380.00 without raising any proper bill and serving the same on the complainant.
- 9.0 The complainant further elaborated that the Meter Reading Folio for meter no. M 017105 provided to the complainant has been consistently showing meter reading as 82874 from 18/06/2008 till 09/11/2012 i.e. for a period of four years. The Respondent BEST Undertaking has not given any explanation as to why its Vigilance

dept. has not informed alleged consumption of 606 units during the said period of four years for which now charging the complainant Rs. 7,380.00. As such the Respondent BEST Undertaking has debited Rs. 7,380.00 by way of adjustment entry without following due procedure of law, especially when the said amount has neither been amended from 17/06/2008 nor any bill has been raised for the same against the complainant till this date.

- 10.0 In contra, the Respondent BEST Undertaking has submitted before this Forum that the meter no. M 017105 was provided to the complainant for commercial purpose and during the surprise raid conducted by Vigilance Dept on 29/04/2008 for using direct supply, the Panchanama was drawn on 17/06/2008 and the said meter was removed. However, the said meter was inadvertently not removed from the Computer Billing System. The Respondent BEST Undertaking vide its letter dtd. 12/08/2013 informed the complainant that out of its total bill of Rs. 1,77,637.00 for July 2013, therein the credit of Rs. 1,59,857.00 in electricity charges, interest of Rs. 7,012.63 for a period from January 2010 to July 2013 and DP charges of Rs. 3,387.39 for a period of December 2009 to July 2013 have been given and will be effected in the subsequent bill.
- 11.0 Now the Respondent BEST Undertaking is requesting the complainant to pay the balance amount of Rs. 7,380.00 to settle the claim finally as while billing the complainant on the last occasion reading considered was 82874 and thereafter at the time of removal of the meter by drawing a Panchanama, the same was 83480. As such as per the contention of the Respondent BEST Undertaking, the complainant has not been charged for consumption of 606 units i.e. 83480 - 82874. Thus, the Respondent BEST Undertaking is charging the complainant for the consumption of 606 units.
- 12.0 This Forum finds a great force in the argument advance by the representative Shri Rajesh Sharma for the complainant that without serving a proper bill for the alleged consumption of 606 units giving all the details, the Respondent BEST Undertaking cannot proceed to charge the complainant for Rs. 7,380.00. This Forum observes that a statutory mandate has been cast on the Distribution Licensee like the Respondent BEST Undertaking under consideration under Regulation 15.2.4 provided under MERC (Electricity Supply Code and Other Conditions of Supply) Regulation, 2005 to provide information enumerated therein under clause (a) to (v) in the electricity bill.
- 13.0 To conclude, this Forum observes that charges of Rs. 7,380.00 for consumption of 606 units, neither the Respondent BEST Undertaking has served any bill on the complainant nor provided any details of the same as envisaged under the Regulation adverted above. This Forum therefore holds that the claim of Rs. 7,380.00 made by the Respondent BEST Undertaking against the complainant during the course of its adjustment of the earlier bills cannot sustain under the law and the same needs to be declared invalid and illegal. Accordingly, we proceed to pass the following order.

ORDER

1. The complaint no. N-F/N-208-2013 stands allowed.
2. The Respondent BEST Undertaking hereby directed to refrain from claiming the amount of Rs.7,380.00 from the complainant being unsustainable in law.
3. Copies be given to both the parties.

(Shri S M Mohite)
Member

(Shri M P Thakkar)
Member

(Shri R U Ingule)
Chairman