

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-177-2012 dtd. 06/12/2012

Mr. Shabbir AhmadComplainant

V/S

B.E.S. & T. UndertakingRespondent

Present

Quorum : Chairman
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 Asgar Ali Shaikh

On behalf of the Respondent : 1. Shri S. M. Sakpal, DECC(G/N)
2. Shri S. B. Pawar, AAMCC(G/N)

Date of Hearing : 22/01/2013

Date of Order : 05/02/2013

Judgment by Shri. R.U. Ingule, Chairman

Mr. Shabbir Ahmad Nafees Ahmad, Swagat Tower, 504, 5th floor, Opp. Laxmi Park, Naya Nagar, Mira Road (E), Thane - 401107 has come before the Forum for grievance regarding incorrect bill of removed meter pertaining to A/c no. 638-789-137 at R. No. 16, Gr. Floor, Vrindavan Hsg. Soc., Mori Road, Mahim, Mumbai - 400 016.

Complainant has submitted in brief as under :

1.0 The complainant has approached to IGR Cell on 03/10/2012 for grievance regarding incorrect bill of removed meter pertaining to A/c no. 638-789-137 at R. No. 16, Gr. Floor, Vrindavan Hsg. Soc., Mori Road, Mahim, Mumbai - 400 016. The complainant has approached to CGRF in schedule 'A' dtd. 03/12/2012 (received by CGRF on 05/12/2012) as no remedy is provided by the Distribution Licensee regarding his grievance. The complainant has requested the Forum to waive other charges like interest and DP charges.

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

- 2.0 The meter no.D960927 was installed at the premises at Ekta Housing Society, Mahim Link Road, Grd. flr., Room No. B-17 for Commercial purpose on 02.03.1996. As per records of the BEST Undertaking up to August 1996 meter reader had brought progressive reading. After that the reading was noted as 37.
- 3.0 A site inspection was carried out on 08.05.2012 by our officials, when it was observed that meter was not at site and the premises was demolished. The bill amount up to March 1999 was 4771.52. This amount was not paid by Shabbir Ahmad Nafees Ahmad. Due to levy of Delayed payment charges & Interest on the arrears the bill amount up to November 2012, same has been accumulated to Rs.1,18,119.00.
- 4.0 Meter no.D960927 of the A/c No.638-789-137 was not removed by the BEST Undertaking in the 1996. However, the said meter was not located on the board since April 1999. A letter dated 01.06.2012 was sent to Sr. Inspector, Mahim Police Station, Mahim, Mumbai-400 016 regarding non availability of meter on the installation.
- 5.0 Shabbir Ahmad Nafees Ahmad had not informed us about the theft of meter and later on he had submitted a certificate from Sr. Police Inspector dated 30.06.2012, instead of first information report from the Police station. Shabbir Ahmad Nafees Ahmad had not paid bill amount up to March 1999 which was 4771.52. Due to levy of Delayed payment charges & Interest on the arrears the bill amount up to November 2012, same has been accumulated to Rs.1,18,119.00. Consumer has given complaint in Annexure 'A' form on dated 03.12.2012.
- 6.0 In view of above, the consumer may be directed to pay the legitimate amount payable to the Undertaking of electricity bill upto the month of November 2012 i.e. Rs.1,18,119/-. The complainant may not be allowed to produce any more evidences before the Hon'ble CGRF during the hearing of the case without giving us an opportunity to offer our comments. The consumer should not be allowed to change the facts of the case presented in his application.

REASONS

- 7.0 We have heard Mr. Asgar Ali Shaikh for the complainant and for the Respondent BEST Undertaking Shri S. M. Sakpal, DECC(G/N) and Shri S. B. Pawar, AAMCC(G/N).

- 8.0 The salient features of the instant matter has been a abysmal lethargy and lapses on the part of the Respondent BEST Undertaking in claiming the electricity charges from the complainant consumer. In this context, one would find from the submission made before this forum by the Respondent BEST Undertaking that the alleged amount of charges Rs. 4771.52 was due for payment from the complainant in the month of March 1999. Thereafter, the same has been accumulated to Rs. 1,18,119 in the month of November 2012 due to levy of delayed payment charges and interest on the same. At this juncture, significant to note that, the complainant has shown his ready and willingness to pay the actual charges of electricity allegedly consumed by him i.e. Rs. 4771.52.
- 9.0 This forum finds that, a bear perusal of the ledger folio placed on file by the Respondent BEST Undertaking manifest that although, the meter has been installed for commercial purpose in the premises of the complainant on 2/3/1996, the ledger folio gives the details from the June 1996 wherein, this forum finds that, on an *average basis* the consumption of unit by the complainant has been shown as 200 units in the month of June 1996 and thereafter, 300 units in the month of July 1996. Significant to observe that, from the month of November 1996, the reading has been shown as 27 and thereafter, from the month of March 1999 till this date, the same has been shown as 37 units. It is also significant to observe that, in the adjustment claim for the month of July 1996 amount shown has been Rs. (-)1856.36, that means the complainant had made payment of electricity charges in excess, therefore, the credit of the same amount was given to him. During the hearing, the Divisional Engineer of the Respondent BEST Undertaking has candidly admitted before this forum that, in the beginning the complainant was charged for consumption of electricity on average basis, but could not submit the reason for the same.
- 10.0 From the written statement placed before this forum, we observe that, as stated therein the Respondent BEST Undertaking could brought the progressive reading till the month of August 1996. However, thereafter the same has been noted as 37 till this date. Thus, this forum find that, till this date i.e. from the last more than 16 years, the Respondent BEST Undertaking has been recording untiringly the reading being 37 in respect of the complaint and accordingly serving the electric bills every month despite knowing that no payment has been made by him and there has not been any progressive reading recorded by the said meter.
- 11.0 We fail to understand as to why such futile exercise has been undertaken by the Respondent BEST Undertaking that too from the last 16 years, without putting any efforts to recover the alleged electricity charges in arrears payable by the complainant. It is thus, evident that after the lapse of 16 years, the Respondent BEST Undertaking has awoken from its deep slumber to claim the alleged electricity charges from the complainant that too venturing in calling the same being 'legitimately payable' by the complainant.
- 12.0 It is further pertinent to note that, as submitted by the Respondent BEST Undertaking it did not locate the meter on the board since April 1999. To our shock and surprise when the said meter was the property of the Respondent BEST Undertaking, it had taken a period of 13 years to write a letter dated 1/6/2012 to Sr. Inspector, Mahim, Mumbai - 400 016 to inform him the non availability of the said meter.

- 13.0 We thus, find that as alleged by the Respondent BEST Undertaking, the complainant has not paid bill amount upto March 1996 of Rs. 4771.52 and the same has been now blown out of its proportion, due to levy of delayed payment charges and interest, to the tune of Rs. 1,18,119.00 till the month of November 2012. To reiterate, the Respondent BEST Undertaking has taken its own time of more than 13 years to claim the alleged electricity charges from the complainant. Needless to observe at the juncture that, the said claim of electricity charges made by the Respondent BEST Undertaking against the complainant has been *grossly stale and time barred* one. However, as observed above, the complainant has been sincere enough to show his ready and willingness to pay the actual consumption charges of Rs. 4771.52 upto the month of March 1999.
- 14.0 We therefore, proceed to hold in the aforesaid observations and discussion that, it would be appropriate in the given set of facts and circumstances, to allow the complainant to pay electricity charges of Rs. 4771.52 only.

ORDER

- 1.0 The complaint no. N-GN-177-2012 dated 11/12/2012 stands allowed.
- 2.0 The Respondent BEST Undertaking has been directed to issue a fresh bill of electricity for amount of Rs. 4771.52 in full and final settlement of account of the complainant.
- 3.0 The complainant hereby directed to pay the said electricity charges within a period of fortnight from the date of receipt of such amended bill to be issued by the Respondent BEST Undertaking.
- 4.0 Respondent BEST Undertaking has been directed to report the compliances of this order to this forum, within a period of one month therefrom.
- 5.0 Copies be given to both the parties.

(Shri S M Mohite)
Member

(Shri M P Thakkar)
Member

(Shri R U Ingule)
Chairman