

**BEFORE THE COMPLAINANT 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)-156-2012 dtd. 04/07/2012**

Smt. Shantabai M. Lakhorkar .....Complainant

V/S

B.E.S.&T. Undertaking .....Respondent

**Present**

Quorum :  
1. Shri R U Ingule, Chairman  
2. Shri S P Goswami, Member  
3. Smt. Varsha V Raut, Member

On behalf of the Complainant :  
1. Shri. Leeladhar Lakhorkar  
2. Shri. Amit

On behalf of the Respondent :  
1. Shri. S.G. Disle, DECC(F/N)  
2. Shri V. Sawant, AAMCC(F/N)  
3. Shri S.V. Fulpagare  
4. Shri H.H. Shaikh, Sub-Engr.

Date of Hearing : 02/08/2012

Date of Order : 03/08/2012

**Judgment by Shri. R.U. Ingule, Chairman**

Smt. Shantabai M. Lakhorkar, Shravan Rahivasi Sangh, Room no. 222, Sewree Cross Road, Wadala, Mumbai - 400 031 has come before the Forum for her grievance regarding wrong amendment charges for A/c no. 759-072-001.

**Complainant has submitted in brief as under :**

- 1.0 The complainant has approached to IGR Cell on 20/01/2011 regarding wrong amendment charges for A/c no. 759-072-001. The complainant has approached to CGRF in schedule 'A' dtd. NIL (received by CGRF on 03/07/2012) as no remedy is provided by the Distribution Licensee regarding her grievance. The complainant has requested the Forum to correct the arrears of electricity bill and waive DP charges.

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

- 2.0 The complainant was having two electricity accounts, Residential A/c. No. 759-072-003\*9 and Commercial A/c. 759-072-001. Meters of both the accounts were removed in 2003. The arrears of residential A/c. for Rs.40,615.00 was reduced to Rs.25,250.00 by waiving Delayed Payment Charges and the same was paid by applicant on 07.07.2011. The complainant has applied for reconnection of meter vide application No. 91257048, KLG No. 49032 dtd. 23.06.2011. The complainant was asked to pay outstanding claim of Rs.65,231.12 in respect of commercial A/c. No. 759-072-001. The complainant has disputed this amount and not ready to pay and as such she has approached under annexure-C. In a reply to annexure-C vide letter dtd. 18.05.2012, complainant was explained that this amount of Rs.65,231.12 consists of Rs.24,276.30 as electricity charges and Rs.40,954.82 as charges in respect of amendment for use of electricity for commercial purpose instead of residential.
- 3.0 The complainant is disagreeing the points that Rs.24,276.30 were arrears of electricity charges which include Delayed Payment charges of Rs.7,000/- approx. and the amendment bill for the commercial use instead of residential for Rs.40,954.82 was never received by her. She is ready to pay the same provided that all the details are produced. The complainant has assumed that the total arrears of both accounts works out to Rs.64,891.30 and the same is reflected on only one account.
- 4.0 The complainant has requested the Hon'ble Forum to withdraw the wrong bill of Rs.40,954.82 as the arrears and allow her to pay arrears of Rs.24,276.30 after deducting Delayed Payment Charges.
- 5.0 The arrears in respect of residential premises were paid by the complainant on 07.07.2011, however she is disputing for the payment of arrears in respect of her commercial account. The complainant's contention that total arrears of both the accounts works out to Rs.64,891.30 is not correct as the arrears of both the accounts are different. Arrears in respect of commercial account No. 759-027-001 are amounting to Rs.65,231.12 which were not paid by the complainant upto 01.01.2003. The arrears of residential A/c. No. 759-072-003 were Rs. 40,615/-. Therefore, the argument that total arrears of both the accounts works out to Rs.64,891.30 is not correct.
- 6.0 Both the accounts are pertaining to one complainant. The complainant has paid the arrears of residential account which is undisputed. The complainant has requested the Hon'ble Forum to give the facility to pay the arrears of Rs.24,276.30 after deducting the Delayed Payment Charges as similar facility was given to her in another account. In this respect, the ledger statement shows the Delayed Payment Charges for this A/c No. 759-072-001 which amounts to Rs.6,737.78.

- 7.0 The complainant's another request to withdraw the wrong bill of Rs.40,954.82 should not be considered as these charges were levied as an amendment for use of electricity for commercial purpose instead of residential. In this respect, we have to clarify that as per the record on reading folio the complainant was using electricity for commercial purpose since 12.07.1995 however, she was charged residential tariff. This can be confirmed as per ledger statement. As such, the arrears are required to be recovered from the complainant.
- 8.0 Total amount of Rs.65,231.12 is appearing in outstanding register which is duly audited. As per ledger statement Rs.24,276.30 is the Electricity Charges and remaining amount of Rs.40,954.82 pertains to amendment for charges for commercial use. This bifurcation of amount is also reflected on the Reading Folio.
- 9.0 The outstanding amount of Rs.24,276.30 being electricity charges and Rs.40,954.82 is also electricity charges for difference in tariff i.e. residential to commercial. In spite of having dispute / outstanding amount, the complainant is applying for reconnection of electricity for commercial purpose for the same premises. Therefore, as per Section 10.5 of the MERC Regulation, the consumer is liable to pay whole amount of arrears. However, Delayed Payment Charges of Rs.6,737.76 can be waived.
- 10.0 The Hon'ble Forum is therefore, requested to pass the order in favour of the BEST Undertaking.

**REASONS** :

- 11.0 We have heard Shri Leeladhar Lakhorkar on behalf of the complainant and for Respondent BEST Undertaking, Shri S.G. Disle, DECC(F/N), Shri V. Sawant, AAMCC(F/N), Shri S.V. Fulpagare and Shri H.H. Shaikh, Sub-Engr.
- 12.0 The Respondent BEST Undertaking has initiated its action of recovery of electricity in arrears from the complainant merely and solely based on the remarks passed by the Municipal Chief Auditor (MCA). Significant to note that MCA's remarks have been based on the outstanding charges register prepared by the Respondent BEST Undertaking monthwise and the ledger folio produced, which is again based on the advice being sent by the dept.
- 13.0 Besides these unsupported remarks and ledger folio, cogent evidence like site investigation report, the details of the type of commercial activity etc. to EDP, has not been available with the Respondent BEST Undertaking, for drawing a conclusion that the complainant was using the electricity supply for *commercial* purpose.
- 14.0 On behalf of the complainant it has been submitted that in the past he was running a petty shop of selling sand, which was closed down by him long back for want of customers. Under such peculiar circumstances the Respondent BEST Undertaking ought to have paid a visit to the site to confirm, whether the electricity supply has been used for *residential* or *commercial purpose*. Admittedly, the Respondent BEST Undertaking has failed to do so.
- 15.0 Under such facts and circumstances, in our consider view the complainant needs to be charged on the basis of *residential tariff schedule* along with waiving the DP charges and interest thereon.

- 16.0 Considering the poor financial condition of the complainant and to have this order being feasible and operative, we find it justifiable to allow him to pay the charges in monthly installments. Accordingly we proceed to pass the following order.

**ORDER**

1. Complaint no. N-F(N)-156-2012 dtd. 04/07/2012 stands partly allowed.
2. The Respondent BEST Undertaking is directed to recover the arrears of the complainant based on "residential tariff", waiving DP and interest charges thereon and the same to be recovered in 6 equal monthly installments and to proceed to give reconnection as per the procedure in vogue.
3. The Respondent BEST Undertaking is further directed to give the compliance report to the Forum within fortnight there from.
4. Copies be given to both the parties.

(Smt. Varsha V. Raut)  
Member

(Shri S P Goswami)  
Member

(Shri R U Ingule)  
Chairman