

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. S-C-138-2012 dt . 29/02/2012

Mr. Shantilal ShahComplainant

V/S

B.E.S.&T. UndertakingRespondent

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 : Shri. Jignesh S. Shah
Shri Chandrakant N. Shah

On behalf of the Respondent : 1. Shri. P. Subhash, DECC(C)
2. Shri. S.K. Pandit
3. Shri. P.P. Nande, OA(P)

Date of Hearing : 21/03/2012

Date of Order : 27/03/2012

Judgment by Shri. R.U. Ingule, Chairman

Mr. Shantilal M. Shah, 24, A. Vitthaldas Road, 7, Devkaran Mansion, Gr. Floor, Behind Lohar Chawl, Mumbai - 400 002 has come before the Forum for his grievances regarding refund of claim amount pertaining to A/c no. 359-149-055*3.

Complainant has submitted in brief as under :

- 1.0 The complainant has approached to IGR Cell on 09/11/2011 regarding his grievance of change in consumer number and inflated bill. The complainant has approached to CGRF in schedule 'A' on 23/02/2012 as no remedy is provided by the Distribution Licensee regarding his grievance. The complainant has requested the Forum to get credit for an amount of Rs. 1522.38.

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

- 2.0 Complainant says that amount of Rs. 1522.38 is paid 20 years back, however it is debited in his May'2011 bill. As such, it should be credited back in his current bill. First intimation to pay amendment amount was sent on 19/05/2010.
- 3.0 In this respect, it is to be mentioned here that complainant was served notice dtd. 19/05/2010 requesting him to pay the outstanding dues of Rs. 1522.38 within 15 days, else same will be debited in his ensuing bills. As such, his contention that this amount being paid 19 years back is not acceptable. He might have paid his regular electricity bill and even if he has paid the same, he should substantiate the same by documentary evidence, which he is not doing, inspite of our repeated requests.
- 4.0 We have no papers at all at our end to substantiate the proclaim amount of Rs. 1522.38. In this context, we had then put our proposal to Audit Dept. for further instructions. Since clear guidelines in such cases are not finalized by management, we have been instructed to put up such proposals after decision of management in this respect is adopted.

REASONS :

- 5.0 We have heard the complainant in person and Shri. P. Subhash, DECC(C), Shri. S.K. Pandit & Shri. P.P. Nande, OA(P) for the Respondent BEST Undertaking. Perused documents placed before this Forum.
- 6.0 At the outset we find the action, initiated by the Respondent BEST Undertaking in directing the complainant to pay the arrears of electricity charges of Rs. 1,522.38 being a proclaimed amount in respect of period which goes back to 18 years in the past, being highly arbitrary and capricious one.
- 7.0 This Forum observe that Written Statement submitted in reply to the instant complaint on behalf of the Respondent BEST Undertaking, speaks volumes about the unsustainability and illegality in claiming the proclaimed amount of Rs. 1,522.38 after lapse of about 18 years, that to without having any supporting documents thereto.

- 8.0 We find that in the written statement itself the Respondent BEST Undertaking has candidly admitted about not having any papers at all from their end to substantiate the proclaimed amount of Rs. 1,522.38, sought to be recovered from the complainant as an arrears. The Respondent BEST Undertaking further elaborates that in this context it had put up its proposal to Audit Dept. for further instructions. However, for want of clear guidelines from the management the proposal was put up to the management for its decision.
- 9.0 This Forum further finds a letter dt. 30/11/2011 of the Customer Care Dept. 'C' ward, Pathakwadi placed before this Forum, narrating that the same has been a defective meter amendment case and the account of the complainant was amended for an amount of Rs. 1,522.38 for a bill dt. 16/09/1992 and came to be debited in the bill of the month of May, 2011. This Forum thus finds that in the first instance the claim made by the Respondent BEST Undertaking has been exorbitantly belated one as 18 years have been elapsed in making such claim.
- 10.0 Significantly, in this document dt. 30/11/2011 the Supdt. Customer Care Dept. has candidly admitted that no record has been available to support the amendment, therefore could not reply complainant's grievance. Significant to further observe that the said official of the Respondent BEST Undertaking had proposed to withdraw the claim of Rs. 1,522.38.
- 11.0 In the aforesaid observation and discussion this Forum not only finds the claim made by the Respondent BEST Undertaking being highly arbitrary, baseless and ill-founded one but the same has been exorbitantly stale one. Needless to observe that such claim made against the complainant can not be sustained in law and fact. In the net result the complaint should succeed. Accordingly we pass the following order.

ORDER

1. The Complaint no. S-C-138-2012 dtd. 29/02/2012 stands allowed.
2. The Respondent BEST Undertaking has been restrained from claiming unsustainable arrears amount of Rs. 1,522.38 from the complainant.
3. The Respondent BEST Undertaking accordingly directed to make the amendment in the bill to be served on the complainant accordingly. The compliance of this order be informed to this Forum within a period of 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