

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. 22799528

Grievance No N-GS-387-2019 dtd. 11/07/2019

Mayank KumarComplainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Chairman

Quorum : Shri V. G. Indrale, Chairman

Member

1. Shri K. Pavithran, Member
2. Dr. M.S. Kamath, Member CPO

On behalf of the Respondent : 1. Shri A. R. Sarmukadam, SCC(G/S)
2. Shri N. L. Watt, AAM(G/S)

On behalf of the Complainant : Shri Nilesh Vinodrai Bhadra

Date of Hearing : 22/08/2019

Date of Order : 27/08/2019

Judgment by Shri. Vinayak G. Indrale, Chairman

Shri Mayank Kumar, Flat No/G1, Esha Ekta Apartment Co.Op. Hsg. Society Ltd., B G. Kher Road, Worli, Mumbai - 400 018 come before the Forum for dispute regarding change of tariff i.e. from commercial tariff to residential tariff pertaining to A/c.No.683-392-034*2.

Complainant has submitted in brief as under :

The complainant has approached to IGR Cell dtd. 09.05.2019 received on 21/05/2019 for dispute regarding change of tariff i.e. from commercial tariff to residential tariff pertaining to A/c.No.683-392-034*2. The complainant has approached to CGRF in schedule 'A' dtd. 25/06/2019 received by CGRF on 04/07/2019 as no remedy is provided by the IGR Cell.

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

- 1.0 Shri. Mayank Kumar came before the Forum regarding his grievance about change of tariff from commercial tariff to residential tariff pertaining to A/c 683-392-034*2. His premises being used for study room, rest room, dining room, a small pantry kitchen and his personal accountant sits to maintain his personal accounts.
- 2.0 The electric supply has been given to the premises under reference vide application no 355109 dated 16/04/2018 for commercial purpose. Vide letter dated 05/03/2019 addressed to Customer Care G/S ward, the complainant has requested to change of tariff from commercial tariff to residential tariff.
- 3.0 During the site visit on 08/04/2019, it was observed that, the premises under reference is being used as a office. The Grievance filed by the complainant in Annexure " C " dated 09/05/2019 (received on 21/05/2019 has replied suitably vide letter dated 18 June 2019.

REASONS

- 1.0 We have heard the argument of the complainant's representative Shri Nilesh Vinodrai Bhadra and for the Respondent BEST Undertaking Shri A. R. Sarmukadam, SCC(G/S) Shri N. L. Wattti, AAM(G/S). Perused the written submission filed by the Respondent BEST Undertaking alongwith documents marked at Exhibit 'A to F' and the documents filed by either party to the proceeding.
- 2.0 The representative of complainant has vehemently submitted that, previously there are only one electricity connection to the premises Flat No.G1, Esha Ekta Apartment and in the year 2018 Shri Mayank Kumar applied for new electricity connection to the premises and the respondent has applied the commercial tariff which is not proper as the premises has been used for residential purpose. The respondent has submitted that after receipt of application for new electricity connection, they have visited the premises and found that it has been used for commercial purpose for the benefit of company and therefore they have rightly charged commercial tariff.

- 3.0 We have gone through the documents more particularly photograph which, the complainant has filed at the time of argument and it is crystal clear from the said photographs that the complainant using the said premises as rest house for the visitors of the company. If this would be the case then certainly the action of the respondent charging commercial tariff appears to be proper in view of category of non residential or commercial tariff as stated in Brihanmumbai Electric supply and Transport Undertaking Schedule of Electricity Tariff w.e.f. 01/4/2018. The representative of complainant has further submitted that he has applied for electricity connection for residential purpose and the respondent has applied commercial tariff. Nearly the complainant has asked for electricity supply for residential purpose and therefore tariff for residential premises be charged itself is not proper. We are saying so because the charging of tariff is depending upon the use of the premises by the person who applied for electric supply.
- 4.0 While disposing the complaint No.N-G/S-386-2019, we have observed that since 22/3/1994, the electric supply has been given to the premises and the respondent has charged commercial tariff and in the year 2018, the complainant asked electric supply to the part of premises, that does not mean tariff for residential use is to be applied to the said premises. The circumstances that since beginning commercial tariff has been charged and the complainant never object for the same and so now he is precluded from saying that residential tariff is required to be charged. It is not the case of complainant that he is occupying the premises for his personal residence and the part of the residential premises he has been using for doing any office work. In the absence of such pleadings on the part of complainant we do not find any substance in the complaint that the residential tariff is required to be charged for the premises. We are saying so because the complainant himself in his representation dated 05/3/2019 has stated that the premises is being used by his Personal Accountant who visits 2 to 3 times in a week. This itself shows that the use of premises by complainant is for facilitating his company business i.e. Anjani Enclaves Pvt. Ltd.,
- 5.0 Having regard to the above said reasons, we do not find any substance in the complaint and same deserved to be dismissed. Accordingly, we pass the following order :-

ORDER

1.0 The grievance no. N-G/S-387-2019 dtd. 11/07/2019 stands dismissed.

2.0 Copies of this order be given to the concerned parties.

Sd/-
(Shri K. Pavithran)
Member

Sd/-
(Dr. M.S. Kamath)
Member

Sd/-
(Shri V.G. Indrale)
Chairman