

		Date	Month	Year
1	Date of Receipt	04	07	2025
2	Date of Registration	04	07	2025
3	Decided on	23	07	2025
4	Duration of proceeding	13 days		
5	Delay, if any.			

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
B.E.S. & T. UNDERTAKING

(Constituted under section 42(5) of the Electricity Act 2003)

Ground Floor, Multistoried Annex Building,
BEST's Colaba Depot
Colaba, Mumbai - 400 001
Telephone No. 22799528

Grievance No.D-521-2025 dtd.04/07/2025

Mr. Aasim Obed Ur Rehman GazdarComplainant

V/S

B.E.S.&T. UndertakingRespondent no. 1

PresentCoram : Hon'ble Chairman (CGRF) : Mr. M.S. Gupta
Hon'ble Independent Member : Mrs. A. A. Acharekar
Hon'ble Technical Member : Mr. J.W. Chavan

On behalf of the Complainant : Mr. Asim Obed Ur Rehman Gazdar

On behalf of the Respondent : BES&T Undertaking

1. Mr. Sajid M.M. Ansari, Assistant Engineer, Customer Care 'D' Ward
2. Mr. Anil Sawant, Dy. Engineer, Customer Care 'D' Ward

Date of Hearing : 16/07/2025

Date of Order : 23/07/2025

Judgment

- 1.0 The grievance in this case is that the Respondent, BEST Undertaking refused the complainant and arbitrarily rejected his application dtd. 12/06/2025 for new electricity connection.
- 1.1 The Complainant's case, in nut shell, is that he is residing on 1st floor, 27th Gazdar House, Undriya Street, Opp. Masjid, Nagpada, Mumbai - 400 008 (for short 'the said premises'). The said property originally belongs to his parents late Smt. Sugrabi Obed Ur Rehman Gazdar and late Mr. Obed Ur Rehman Gazdar. His parents, during their lifetime made an oral WILL for their 6 sons including legal heirs of his predeceased brother Mr. Shafiq Ur Rehman were to receive equal shares in all their properties. Their 2 daughters were to receive shares as per Sharia law. Accordingly, all the legal heirs including him have been occupying the peaceful possession of various portions.
- 1.2 The Complainant further submitted that on 12/06/2025, he made an application for new connection of electricity in the said premises. On 19/06/2025, site inspection was conducted by the Respondent and his peaceful possession was recorded. On 24/06/2025, he received a rejection letter from the Respondent contending that his application could not be processed due to absence of NOC from other co-heirs.
- 1.3 The Complainant further submitted that an electric meter was existed on the said premises in the name of his father, late Mr. Obed Ur Rehman Gazdar who died on 27/02/2020. For about three years, the Complainant could not pay the arrears of electricity bill and therefore the said meter was removed. Later on he cleared all the dues, so that he could apply for fresh electricity connection on the said premises. He has submitted NOC from 2 legal heirs for getting new connection, however, it was rejected for want of NOC from other legal heirs. Hence, the application with a request to direct the Respondent to grant an electricity connection in the said premises without insisting on NOC from remaining legal heirs of late Mr. Obed Ur Rehman Gazdar.
- 2.0 The Respondent in their reply submitted that the Complainant has filed an application for new electricity connection in the premises where the old connection bearing Consumer A/c no. 832-139-009 in the name of late Mr. Obed Ur Rehman Gazdar was installed. The said electricity connection was disconnected on 24/06/2022 due to non-payment of Rs. 40,960/-. The Complainant is a son of late Mr. Obed Ur Rehman Gazdar. He applied for new connection on 12/06/2025 after clearing the past dues. The Complainant has submitted a rent receipt signed by himself as the landlord of the premises, this conflicts with the dispute over legal heirship. Furthermore, he has provided

NOCs from 2 legal heirs only, whereas 8 are required. An objection was received from one of the legal heirs Mr. Yaser Gazdar stating that the matter of legal heirship is sub-judiced in the City Civil Court bearing Suit no. 4083 of 2025. Hence, the Complainant was informed to obtain NOC from all 8 legal heirs of late Mr. Obed Ur Rehman Gazdar. The electricity connection was denied for inability by the Complainant for providing required documents.

- 3.0 From rival submissions of the parties following points arise for our determination with findings thereon for the reasons to follow :

Sr. No.	Points for determination	Findings
1	Is the Complainant entitled for grant of new electricity connection at the said premises without insisting for NOC from all legal heirs ?	Affirmative
2	What Order ?	As per final Order.

REASONS

- 4.0 We have heard the arguments advanced by both parties and their representatives and have carefully perused the documents submitted in this matter.
- 4.1 The Complainant has submitted that he is in peaceful possession at his residence on 1st floor of the said premises as an occupier and asserts that personal objections of co-heirs, unsupported by legal title or court order cannot deny an essential Civic service like electricity (citing Electricity Act, 2003, Section 43). He also mentions that no one in the family is legal owner or landlord in the absence of court issued succession certificate or legal heir certificate. He implies that as an occupier, he has a right to electricity connection. The Respondent insists on NOCs from all 8 legal heirs based on their family tree details and highlights the ongoing dispute for legal heirship and a sub-judiced matter in Civil Court (Suit no. 4083 of 2025). The Respondent has also challenged the rent receipt as the applicant has signed it as a landlord. Section 43 of Electricity Act (Right to Electricity) mandates that a Distribution Licensee is obligated to provide electric supply within 30 days to any owner or occupier of premises within its area of supply, provided necessary technical and safety requirements are made. A Suit no. 4083 of 2025 mentioned by the Respondent is not related with the Complainant as it disputes between other two brothers of the Complainant i.e. Taif Hatif Ur Rehman Gazdar & Yaser Gazdar regarding property matter, hence does not have relevance to the grievance. While Licensees can ask for reasonable proof, MERC Regulations generally focus on establishing the right to occupy the premises for electricity connection rather than demanding absolute ownership

to a resolution of complex property dispute especially when no single legal heir has established clear title. The insistence on NOC from legal heirs lacks proportionality when no single heir disputes the applicant's possession with legal binding proof. Further, the Complainant has claimed that in spite of intimation that no one in the family is legal owner or landlord, the representative from the office of the Respondent insisted on rent receipt and agreed to accept rent receipt with his own signature. There is clear documentary evidence showing peaceful possession and physical occupation by the Complainant, supported by site inspection carried out by the Respondent on 19/06/2025.

- 4.2 The Complainant acknowledges previous disconnection due to his financial crisis and states that he has cleared the entire outstanding amount. Since the outstanding dues from the previous connection have been cleared, there should not have been a barrier to provide supply connection, provided other conditions of supply are met. The Complainant and his family have faced prolonged hardship due to electricity denial for over 3 years. Past dues have been cleared voluntarily by the Complainant, signifying good faith. The Forum takes note of the Civil dispute pending in court and emphasizes that electricity supply must not be withheld solely on account of intra-family disagreement unless ordered by a competent court.
- 4.3 During the hearing, the Complainant submitted copies of 2 no. cases viz. W.P. (C) 13217/2019 in the High Court of Delhi and SC 810 of 2022 in the Supreme Court of India regarding rejection of electric supply by the Distribution Licensee to the tenant in absence of NOC. In the above said judgment, the Supreme Court of India has cited "it is well settled proposition of law that electricity is a basic amenity of which a person cannot be deprived. Electricity cannot be declined on the ground of failures / refusal of the landlord to issue No Objection Certificate. All that the electricity supply authority is required to examine is whether the applicant for electricity connection is in occupation of the premises in question." The Respondent's intention for demand of NOC from all the legal heirs was evidently proof of ownership to avoid dispute, as per intimation from Mr. Yaser Gazdar about sub-judiced matter in Civil Court (Suit no. 4083 of 2025), which was irrelevant to the subject matter. No single legal heir has disputed applicant's possession with legal binding proof and it has been confirmed that he is in peaceful possession and physical occupation of the said premises.
- 4.4 The Complainant was deprived of electric supply for a period of more than three years. The Complainant has voluntarily cleared all outstanding past dues. As the site inspection of the Respondent has confirmed the peaceful possession and occupancy of the Complainant, it is boundant duty of the Respondent to provide electric supply connection to the complainant. Section 43 of the Electricity Act (Right to Electricity) mandates that a Distribution


Licensee is obligated to provide electric supply to any owner or occupier of premises within its area of jurisdiction, as it is a fundamental right. However, considering the dispute among the legal heirs for the property they are at liberty to resolve the issue with the competent authority or court.


- 4.5 Considering peculiar circumstances of the instant case, reconnection of the electric meter at the said premises in the name of original Consumer late Mr. Obed Ur Rehman Gazdar shall be befitting, as agreed by the Complainant during the hearing to avoid dispute and avail electricity supply connection which is his primordial pre-requisition. It is advised to adopt reasonable and humanitarian approach in cases of essential Civic supply, particularly where prolonged deprivation leads to hardship.
- 5.0 In this view of the matter the point no. (1) is answered affirmatively and we pass following order as answer to point no.2.

ORDER

1. The Grievance No. D-521-2025 dtd.04/07/2025 is allowed.
2. The Respondent is directed to restore reconnection of electric supply to the said premises within 7 working days, subject to standard technical verifications and without insisting NOCs from all legal heirs.
3. The compliance report of restoration of supply to the said premise shall be submitted to the Forum within 10 working days.
4. Copies of this order be given to all the concerned parties.


(Mr. Jitendra W. Chavan)
Technical Member


(Mrs. Anagha A. Acharekar)
Independent Member


(Mr. Mahesh S. Gupta)
Chairman

