

**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-192-2013 dtd. 22/04/2013**

M/s. Golden Bone Manure .....Complainant

V/S

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

**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 Ishtiyag Shaikh

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

Date of Hearing : 05/06/2013

Date of Order : 19/06/2013

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

M/s. Golden Bone Manure, Gala No.1, Ground Floor, Madina Nagar, Bldg. No.7/317, 60 feet Road, Dharavi, Mumbai - 400 017 came before the Forum regarding their dispute of outstanding amount pertaining to A/C 764-374-343 claimed when applied for reconnection of meter under A/c.No.764-374-301.

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

1.0 The complainant has approached to IGR Cell on 05/02/2013 regarding their grievances of recovery of outstanding amount pertaining to A/C 764-374-343 claimed when applied for reconnection of meter under A/c.No.764-374-301. The complainant has approached to CGRF in schedule 'A' dtd.Nil (received in CGRF on 15.04.2013) as no remedy is provided by the Distribution Licensee regarding his grievance. The complainant has requested the Forum to cancel the arrears bill pertaining to A/c.No.764-374-343 and to reconnect electric supply to his premises.

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

- 2.0 M/s. Golden Bone Manure, Gala No.1, Ground Floor, Madina Nagar, Bldg. No.7/317, 60 feet Road, Dharavi, Mumbai - 400 017 has approached the Undertaking for reconnection of electric supply vide requisition No.114827 dated 17.12.2012. After site investigation, it was observed that Mohd.Kamil Qureshi is a landlord of the above said plot.
- 3.0 Installation No.743634 was working in the name of M/s.Golden Bone Manure, the electric supply of this premises was disconnected on 30.09.2011. Another Installation No.881804, A/c.No.764-374-343 was working in the name of Raaz and Co. The owner of the Raaz & Co. was Mohd. Ibrahim Abdul Kadar, who is father of present applicant. This is confirmed as per the PAN Card submitted by the applicant. In this PAN Card, the name of the father of the applicant is Mr. Mohd. Ibrhaim Abdul Qadar Qureshi.
- 4.0 In the past, while taking electric supply vide requisition No.70703709 by Raaz and Co., the outstanding was cleared of M/s Goldden Bone Manure.
- 5.0 These both Companies i.e. M/s.Golden Bone Manure and Raaz & Co. have got same family identity. The dues of Raaz & Co. should be recovered from the applicant.

**REASONS**

- 6.0 We have heard Shri Ishtiyag Shaikh for the complainant and for the Respondent BEST Undertaking Shri S.N. Sakpal, DECC(G/N) and Shri S.B. Pawar, AAM CC(G/N). Perused papers.
- 7.0 We find that the complainant has come with a grievance that he has submitted an application for reconnection of electric meter with a/c no. 764-374-301. However, instead of granting reconnection, the Respondent BEST Undertaking has directed the complainant to clear the arrears of a/c no. 764-374-343 belonging to M/s Raaz & Co., which is a third party with which the complainant has no connection. The complainant therefore submitted that the Respondent BEST Undertaking cannot direct the complainant to clear the electricity arrears of a third party for sanctioning reconnection to it, by directing it to pay the said arrears of Rs. 4.19 lacs of a/c no. 764-374-343.

- 8.0 In counter, the Respondent BEST Undertaking has vehemently submitted that the complainant has applied for reconnection, vide its requisition no. 114827 dtd. 17/12/2012. The Respondent BEST Undertaking while processing this requisition application carried out a site inspection to find that one more reconnection of installation no. 881804 is in the name of M/s Raaz & Co. having a/c no. 764-374-343 and the owner is Mr. Mohd. Ibrahim Abdul Kadar Qureshi who has been the father of the complainant Mr. Mohd. Kamil Qureshi.
- 9.0 The Respondent BEST Undertaking further finds that in the past, in the year 2006, the consumer M/s Raaz & Co. had applied vide requisition no. 70703709 and cleared the outstanding amount in the name of the present complainant i.e. M/s Golden Bone Manure. The PAN card enclosed by the complainant Mr. Mohd. Kamil Qureshi, Proprietor of M/s Golden Bone Manure has been showing that Mr. Mohd Ibrahim Kadar Qureshi of M/s Raaz & Co. has been his father. The Respondent BEST Undertaking vehemently contends that both the companies i.e. complainant M/s Golden Bone Manure and other company i.e. M/s Raaz & Co., have got same family identity, therefore the complainant should pay the arrears of M/s Raaz & Co. to get the reconnection.
- 10.0 In the aforesaid rival contentions now it falls for consideration of this Forum whether the complainant M/s Golden Bone Manure owned by Mr. Mohd. Kamil Qureshi has been liable to clear the dues of his father's company viz. M/s Raaz & Co. for obtaining the reconnection. In this context for supporting its contention the Respondent BEST Undertaking has contended that during the site inspection carried out in the month of January 2013 the said report placed on file at Exhibit-A, blatantly manifest that the complainant company viz. M/s Golden Bone Manure and the other company M/s Raaz & Co. are located very close by. Significant to observe that in this site inspection also the official of the Respondent BEST Undertaking has found that the owner of M/s Raaz & Co. as per the ID papers of installation no. 881804, has been Mr. Mohd. Ibrahim Abdul Kadar Qureshi who is father of Shri Mohd. Kamil Qureshi the owner of the complainant company.
- 11.0 This Forum therefore, from the report of site inspection dtd. 24/01/2013 placed on file at Exhibit-A, uphold the contention raised by the Respondent BEST Undertaking that the complainant company and other company M/s Raaz & Co. are located side by side as shown in the map. Besides it the PAN card submitted by the complainant along with its requisition also manifest the name of complainant's father being Mr. Mohd. Ibrahim Abdul Kadar Qureshi.
- 12.0 This Forum also finds it significant to advert to pg. 4 of Electric Supply Requisition submitted in the past by the complainant company M/s Raaz & Co. dtd. 05/09/2006 placed before us by the Respondent BEST Undertaking. This Forum further observes that the said requisition application has been submitted by M/s Raaz & Co. under the signature of father of the complainant. This requisition also gives the a/c no. of M/s Raaz & Co. being 764-374-321. Significant to observe that this requisition application submitted by the father of the complainant further reveals that the officials of the Respondent BEST Undertaking finds that M/s Raaz & Co. was availing the electricity supply through the meter of the complainant company viz. M/s Golden Bone Manure and meter no. was N963296. There is also a remark that M/s Raaz & Co. was in arrears

of Rs. 65,003.75 and the electricity bill placed before us at pg. no. 23/C manifest the same being paid on 16/01/2007.

- 13.0 On the backdrop of the aforesaid documents and the contents of it, to our shock and surprise the complainant company's owner Shri. Mohd. Ibrahim Abdul Kadar Qureshi has come with a brazen lie that he has not been aware and having no connection with the other company viz. M/s Raaz & Co. owned by Shri Mohd. Ibrahim Abdul Kadar Qureshi. As observed above this Forum has found that Shri Mohd. Ibrahim Abdul Kadar Qureshi is father of complainant Shri Mohd. Kamil Qureshi. However, to deny the liability of paying the arrears of its family company M/s Raaz & Co., the complainant has come with such brazen lie denying any connection with M/s Raaz & Co.
- 14.0 Now this Forum has been confronted with a crucial question, whether the complainant Shri Mohd. Kamil Qureshi can be asked to clear the electricity dues of his father's company viz. Raaz & Co. for availing a reconnection as applied by him. This Forum finds it expedient to address this crucial question on a backdrop of the observation of the Hon'ble Full Bench of the Supreme Court in a case of *M/s Isha Marble v/s Bihar State Electricity Board (1995 2 SCC 448)*. This Forum finds that in para 63 the Hon'ble Supreme Court has observed that "*the electricity is a public property and the law in its majesty, benignly protects public property and behoves everyone to respect public property. Hence the court must be zealous in this regard.*" This Forum further finds that while laying down such principle, the Hon'ble Supreme Court has also sounded a caution that, the inadequacy of law can hardly be a substitute for zealotness.
- 15.0 On perusing the facts and circumstances of the present matter on our hand we find that as observed above in the past the father of the complainant was availing electricity supply through the meter no. N963296 belonging to the complainant viz. M/s Golden Bone Manure. At the relevant time, the complainant resisted the action of the Respondent BEST Undertaking to be initiated u/s 126 of the E.A., 2003 i.e. "unauthorized use of electricity" on a ground that both these companies are belonging to the same family and would clear the dues of M/s Raaz & Co. of Rs. 63,003.75. The representative of the Respondent BEST Undertaking vehemently submitted before this Forum that on such assurance given by the complainant company, no action was initiated u/s 126 of the E.A. 2003 and instead the electricity supply requisition submitted by father of the complainant on 05/09/2006 was sanctioned. As per assurance arrears of Rs. 63,003.75 later on have been paid.
- 16.0 The Respondent BEST Undertaking therefore strenuously urge that all along the complainant Shri Mohd. Kakil Qureshi was claiming the business run by M/s Raaz & Co. being a family business and avoided action u/s 126 of E.A. 2003 and now while applying for present reconnection application denying to clear the arrears of his family company M/s Raaz & Co. run by his father, and for the same denying any connection with later company.
- 17.0 In consider view of this Forum to uphold the contention raised by the complainant would mean to allow it to play a chicanery and deceive the Respondent BEST Undertaking for denying the family business liability. In consider view of this Forum the complainant ought to have approached this Forum with a clean hands while demanding equity and relief from us. It is a basic principle of law that he who seeks

equity must come with clean hands. However, in the matter before us we find the complainant approaching this Forum with a brazen lie. We therefore find ourselves unable to assign any merit to the contention raised by the complainant in the peculiar facts and circumstances of the complaint before us. To conclude, we find the instant complaint liable to be dismissed. Accordingly we do so.

**ORDER**

1. Complaint no. N-GN-192-2013 stand dismissed.
2. Copies be given to both the parties.

(Shri S M Mohite)  
Member

(Shri M P Thakkar)  
Member

(Shri R U Ingule)  
Chairman