

		Date	Month	Year
1	Date of Receipt	12	11	2021
2	Date of Registration	17	11	2021
3	Decided on	07	12	2021
4	Duration of proceeding	13 working days		
5	Delay, if any.	—		

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

On Portal Grievance No. GN-005-2021 dtd. 17/11/2021

Sadrunnisha Mo. Ashfaque Wakil Complainant

V/S

B.E.S.&T. Undertaking Respondent

Present

Coram : Chairman
Shri S.A. Quazi, Chairman

Members

1. Shrimati Anagha A. Achrekar Independent Member.
2. Shri S.S. Bansode, Technical Member.

On behalf of the Complainant : Shri Ishtiyag A. Shaikh.

On behalf of the Respondent : Shri B.S. Vahut

Date of Hearing : 02/12/2021

Date of Order : 07/12/2021

Judgment

- 1.0 The complainant has grievance about Respondent/licensee's decision of cancelling its sanction/order dated 22/10/2021 for extension of load of complainant's existing consumer-account No.781/021/351, meter No.F090741, from existing load of 0.120KW to the load of 10.2 KW. The complainant has requested this Forum to direct the Respondent/BEST Undertaking to install the 3-phase meter connection and to provide the electricity by extending the load from 0.120 KW to load i.e. 10.1 KW, as sanctioned by Respondent's sanction-order dt. 05-06/10/2021 to the premises of the complainant.
- 2.0 The following facts can be said to be not in dispute between the parties:
- a) The complainant had given an application in prescribed format to the Respondent's sanctioning department called Customer Care SIMHA (Supply Through Independent Meter in Hutment Area) Department of Wadala, Mumbai for extending the load by installing new service and 3-phase meter. In that application the address of the premises was given as "GNMC, 53 2/2, Ground, plot No. 2, Sanaulah Compound patra-shed, Main Road, Mahim Railway station (E), Dharavi, Mumbai-400017." That application was for extension of load of complainant's existing consumer-account No.781/021/351, meter No.F090741, from sanctioned load of 0.120KW to applied load of 11.2 KW.
 - b) Respondent's said sanctioning-department/customer care, SIMHA department, prepared proposal of new service and got it approved from the DECC (Divisional Engineer Customer Care) of SIMHA department of the Respondent. After such approval from DECC of SIMHA, the said sanctioning-department/customer care, SIMHA, allowed the said application to install the 3-phase meter connection and to provide the electricity by extending the load from 0.120KW to the load of 10.1 KW to the said premises of the complainant. To this effect Respondent's said department issued the sanction/work order dt. 06/10/2021. As per that sanction order and on the demand of the Respondent, the complainant has paid to the Respondent the amount of Rs. 3,000/- towards connection fees and Rs. 5,500/- towards security deposit on or about 22/10/2021.
 - c) The Respondent has not provided the extended load of electricity to the complainant so far. According to the Respondent, the above said sanctioning authority of Customer Care SIMHA Department of Wadala, Mumbai, received instructions not to release the said load- extension/connection order, from Superintendent Customer Care GN Ward (CCGN) on 23/10/2021, from Dy. Chief Engineer Customer Care North East (DCECC-NE) on 25/10/2021 and from Assistant General Manager-ES (AGMES) on 03/11/2021 for the reason that the LV network is already overloaded. According to the Respondent, for these reasons, the said load-extension/connection order has been cancelled by the Respondent.

3.0 The Complainant's case, as is mentioned in the grievance application and as submitted by her representative, in the course of the hearing before this forum, may be stated as under:

- a) Customer Care SIMHA Department (Supply Through Independent Meter in Hutment Area) of Wadala, Mumbai, is the competent authority, to which application for extension of load and installation of 3-phase meter-connection is required to be submitted. Accordingly, the complainant has followed due procedure for submitting her application to the said sanctioning authority of the Respondent/Licensee. The said authority has sanctioned the application of the complainant for extension of load and installation of 3-phase meter-connection after getting sanction from the DECC (Divisional Engineer Customer Care) of SIMHA department of the Respondent. The representative of the complainant has submitted that the Respondent has not shown that the said authority had no powers or authority to take decision on complainant's application for extension of load and installation of 3-phase meter-connection. Once the said competent authority sanctioned the new connection as above, the Respondent is not entitled to cancel the sanction order, under the pretext of existence of problem of overloading of the network.
- b) It is also submitted by the representative of the complainant that the alleged problem of overloading is being pointed out by the Respondent since the year 2016, but even thereafter number of new connections have been given. After sanctioning of extension of load and installation of 3-phase meter-connection to the premises of the complainant, it is not reasonable on the part of the Respondent to point out the said problem as if the problem would be aggravated only because of giving extension of load and installing 3-phase meter-connection to the premises of the complainant. Thus, the complainant has strongly opposed the case that the Respondent is entitled to cancel the sanction order and to refuse to execute the sanction order and to refuse to give extension of load and to install 3-phase meter-connection to the premises of the complainant, under the pretext of overloading of the LV network.
- c) According to the representative of the complainant, it is the responsibility of the Respondent/licensee to make all necessary arrangements to provide electricity to every individual person if he is eligible to get electricity connection. In the instant case, the Respondent/licensee's competent authority has already sanctioned complainant's application for extension of load and installation of 3-phase meter-connection to the premises of the complainant. It means the decision on eligibility of the complainant, to get the extension of load and installation of 3-phase meter-connection to the premises of the complainant, has already been taken. Now the Respondent cannot withhold the execution of that decision under the pretext of overloading of the LV network.
- d) According to representative of the complainant, the reliance placed by the Respondent on clause 6.5 of the Maharashtra Electricity Regulatory Commission (MERC) Regulations is not acceptable in view that the complainant's premises is very small and it is situated in hutment area and hence it is not reasonable on the part of the Respondent to require

the complainant to provide space or room for installation of new sub-station equipments to get new connection.

- e) The complainant has, therefore, requested to direct the Respondent/BEST Undertaking to install the 3-phase meter connection and to provide the electricity by extending the load from 0.120 KW to load of 10.1 KW, as sanctioned by Respondent's sanction-order dt. 06/10/2021 to the premises of the complainant.

4.0 The Respondent/BEST Undertaking (Licensee) has filed its reply and has submitted that the instant grievance application is liable to be dismissed in view that the above said sanctioning authority of Customer Care SIMHA Department of Wadala, Mumbai, received instructions not to release the said load-extension/connection order, from Superintendent Customer Care GN Ward (CCGN) on 23/10/2021, from Dy. Chief Engineer Customer Care North East (DCECC-NE) on 25/10/2021 and from Assistant General Manager-ES (AGMES) on 03/11/2021 for the reason that the LV network is already overloaded. The case as pleaded by the Respondent/Undertaking may be summarized as under:

- a) The Respondent has submitted that as per complainant's requisition dt.23/08/2021 the requirement to extend the load from 0.120KW to 11.2 KW and to install 3-phase meter could not be released on same service as it was 2-core. Therefore, the complainant filed another requisition dt.07/09/2021, for new service case. The complainant was informed by the Respondent to take permission of DECC (SIMHA) for 3-phase meter. DECC (SIMHA) asked the complainant to register the requisition in G/N ward and if that ward rejects the requisition, SIMHA department would process the requisition. Therefore, the complainant registered the requisition with the G/N ward as extension of load instead of new service case. The G/N ward officials visited the site and found that the existing meter of the complainant is pertaining to the SIMHA department and hence it could not be processed by the G/N ward Hence on 22/09/2021 the G/N ward issued ESL9 letter stating that G/N ward could not process that requisition for the said reason.
- b) After receiving the said ESL9 letter in SIMHA department, proposal of new service was prepared along with sketch and load sheet and then the proposal was approved by the DECC (SIMHA) on 05/10/2021, considering the load of MP-1067. Thereafter the requisition was sanctioned with load Of 10.1KW as 3-phase meter can be sanctioned only for the load above 10KW. Accordingly, work order was sent to the Erection North department on 06/10/2021. After execution of OC, work completion report was received on 18/10/2021. Same requisition was sent for payment and the payment was received and then connection order was issued on 22/10/2021.
- c) According to the Respondent, on 23/10/2021, e-mail was received in the office of the said sanctioning department of Respondent i.e. Customer Care SIMHA Department of Wadala, Mumbai, from the Superintendent CCG/N (customer care GN ward of Dharavi cell) of the Respondent. By that letter the Superintendent CCG/N has asked the said sanctioning department of Respondent i.e. Customer Care SIMHA Department to withhold the above said sanction order for the said connection to the premises of the

complainant, till further instructions from the higher authority, as the LV network is overloaded in Sanaullah compound, Dharavi, where the complainant's premises is situated.

- d) According to the Respondent, the DCECCNE, in the meeting of the officials of the Respondent, held on 25/10/2021 and the AGMES, in another meeting of the officials of the Respondent, held on 03/11/2021 have instructed not to release load for new meter as LV network is over loaded.
- e) According to the representative of the Respondent, the complainant's application was allowed to extend the load from 0.120KW to 10.1 KW and to install 3-phase meter, considering only load of MP-1067, but from the e-mail received from the Superintendent CCG/N (customer care GN ward of Dharavi cell) it was learnt that all the nearby net works were overloaded. Therefore, by issuing letter dt.16/11/2021, the Respondent has cancelled the above sanction order and applicant was asked to apply for refund of the amounts paid by him towards connection fees and security deposit.
- f) According to the representative of the Respondent, to meet the overload situation, the planning department has already intimated the scheme to the Erection North department, by its letter dated 25th February 2020. In the reply it is further mentioned by the Respondent that in clause 6.5 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021, it is provided that where the provision for supply requires installation of Transformers, switch gear, meter and all other apparatus up to the point of supply within the applicant's premises, the applicant shall make available suitable piece of land or room to the licensee by way of lease.
- g) For all the aforesaid circumstances, the representative of the Respondent has submitted that the instant grievance application is liable to be dismissed.

5.0 We have heard the parties. In view of the respective pleadings, submissions and the documents of the parties, following points arise for determination, on which we record our findings as under, for the reasons to follow:

Sr. No.	Points for determination	Findings
1	Whether the Respondent's decision to cancel its sanction order, about providing extended load of electricity from 0.120KW to 10.1 KW with 3-phase meter connection to the premises of complainant is, valid and justifiable ?	In negative
2	Whether it is necessary to direct the Respondent to install 3-phase meter and give extended load of	It is necessary to direct the Respondent to withdraw its cancellation order and to restore its sanction-order dt.

	<p>electric supply to the complainant as per Respondent's sanction order? If yes, in what terms this grievance application can be disposed off ?</p>	<p>06/10/2021 and to provide electric supply to the premises of the complainant by extending the load from 0.120KW to 10.1KW and by installing 3-phase meter as per Respondent's said sanction order dt. 06/10/2021. Hence, this grievance application is being allowed and disposed off in the aforesaid terms as is being directed in the operative order being passed herein below.</p>
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6.0 We record reasons for aforesaid findings as under :

- a) We have noted the contentions of the parties as mentioned by them in their pleadings as well as in their oral submissions. We have also perused the documents submitted by the parties on record in the course of hearing. We have also noted the admitted facts in Para-2 herein earlier.
- b) As noted herein earlier, it is not disputed that Respondent's said sanctioning-department has allowed the complainant's application for extension of load of complainant's existing consumer-account No.781/021/351, meter No.F090741, from existing load of 0.120KW to the load of 10.1 KW and issued sanction order dt. 06/10/2021. As per that sanction order and on the demand of the Respondent, the complainant has paid to the Respondent the amount of Rs. 3,000/- towards connection fees and Rs. 5,500/- towards security on or about 22/10/2021.

It is also not in dispute that the Respondent has not extended the load and has not installed the 3-phase meter at the premises of the complainant so far. According to the Respondent, on 25/10/2021, DCECC(NE) (Dy. Chief Engineer Customer Care North Erection) of the Respondent has issued letter to the Supt. Customer Care SIMHA Department of Wadala, Mumbai, to withhold the above said connection, as the LV network is overloaded, and, therefore, the sanction-order has been cancelled.

- c) The question is whether in the aforesaid circumstances, the Respondent is entitled to cancel that sanction order for extension of load of complainant's existing consumer-account No.781/021/351, meter No.F090741, from existing load of 0.120KW to the load of 10.1 KW. We have examined the submissions of the parties in the facts and circumstances of the case noted herein earlier. We are unable to find the said order of Respondent justifiable to cancel the order of sanction for extension of load of complainant's existing consumer-account No.781/021/351, meter No.F090741, from existing load of 0.120KW to the load of 10.1 KW, for the reason that the network in the concerned area is over loaded. It may be noted that the alleged situation of overloading in concerned network is said to be in existence since the year 2016 and the Respondent has given new connection till recent period, according to the

representative of the complainant. The representative of the Respondent has neither denied this nor has countered this submission of the representative of the complainant with any sound ground. Even if the said situation is not in existence from 2016, it can be said that it is in existence at least from the year 2020 in view of the reply of the Respondent that to meet the overloading situation in concerned area, the planning department has already intimated scheme to the Erection department for execution, by its letter dated 25th February 2020. If the situation of overloading is in existence since such a long period, then the responsibility is of the Respondent and for that the complainant cannot be made to suffer the deprivation of having supply of electricity with the required load-connection, after her application has already been allowed and after she has already paid the connection fees and security deposit, as demanded by the Respondent. It was for the Respondent to solve this problem of overloading long back, if it existed since the year 2016 or 2020, by installing necessary equipments and by finding appropriate space etc. If for years together the Respondent will not solve this problem, it cannot seek justification for cancellation order for the extension of load, installation of 3-phase meter and connection, released by its competent authority. Therefore, we hold the said cancellation order dt. 16/11/2021 is not valid and justifiable. Hence, we have recorded affirmative findings on point No. 1.

- d) In view of affirmative findings on point No.1, we hold that the complainant is entitled for the relief from this forum in the form of direction to the Respondent/licensee to withdraw its said cancellation order dt. 16/11/2021, to restore the sanction order dt. 06/10/2021 and to provide electric supply to the premises of the complainant by extending the load from 0.120KW to 10.1KW and by installing 3-phase meter as per Respondent's said sanction order dt. 06/10/2021, within 15 days from receiving this order.
- e) Accordingly, we have answered the point (2) and in the aforesaid terms the present complaint is required to be allowed and disposed of by this forum. Hence we pass the following order.

Order

1.0 The instant grievance application No. GN-005-2021 dtd. 17/11/2021 stands allowed and disposed of in the following terms.

- a) The Respondent / Licensee/Undertaking is directed to withdraw its cancellation order dt.16/11/2021 and to restore the sanction order dt. 06/10/2021 and supply electricity to the premises of the complainant by extending the load from 0.120KW to 10.1KW and by installing 3-phase meter as per Respondent's said sanction, within 15 days from receiving this order.

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

Sd/-
Shri. S.S Bansode
(Member)

Sd/-
Smt. Anagha A. Achrekar
(Member)

Sd/-
Shri S.A. Quazi
(Chairman)