

		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-003-2021 dtd. 17/11/2021

Samira Akhtar Husain Khan Complainant

V/S

B.E.S.&T. Undertaking Respondent

Present

Chairman

Coram : 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's decision of cancelling its order for new connection. The complainant has requested this Forum to direct the Respondent/BEST Undertaking to install the meter and to provide the electricity to the premises of the complainant, as per the sanction order.
- 2.0 The following facts can be said to be not in dispute between the parties:
 - a) The complainant had given application in prescribed format to the Respondent's sanctioning department called Customer Care SIMHA Department (Supply Through Independent Meter in Hutment Area) of Wadala, Mumbai, for giving new electric connection/meter to her premises in commercial category and in low voltage (LV) category. In that application the address of the premises was given as "Ground Floor, Sanallah Compound patra-shed, Main Road, Mahim Railway station, Dharavi, Mumbai-400017."
 - b) Respondent's said sanctioning-department allowed the said application for new connection and issued sanction order dt. 20/10/2021. As per that sanction order and on the demand of the Respondent, the complainant has paid to the Respondent the amount of Rs. 2,000/- towards connection fees and Rs. 2,500/- towards security on or about 21/10/2021.
 - c) The Respondent has not provided electricity to 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 (Supply Through Independent Meter in Hutment Area) of Wadala, Mumbai, to withhold the new connection, as the LV network is overloaded, and, therefore, the sanction-order has been cancelled.
- 3.0 The Complainant's case, as is mentioned in the grievance application and as submitted 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 new 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 new connection. 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 new connection. Once the said competent authority sanctioned the new connection as above, the Respondent is not entitled to cancel the sanction order.

- 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 new 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 new 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 and to install new 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 new connection. It means decision on eligibility of complainant to get the new electricity connection has already been taken. Now the Respondent cannot withhold the new connection 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 or new work to get new connection.
- e) The complainant has,, therefore, requested this Forum to direct the Respondent/BEST Undertaking to install the meter and to provide the electricity to the premises of the complainant, as per the sanction order.

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 on 25/10/2021 DCECC (NE) (Dy. Chief Engineer Customer Care North Erection) of the Respondent has issued letter to the Supdt. Customer Care SIMHA Department (Supply Through Independent Meter in Hutment Area) of Wadala, Mumbai, to withhold the new connection, as the concerned LV network is overloaded. The case as pleaded by the Respondent/Undertaking may be summarized as under:

- a) The Respondent has submitted that after receiving the requisition of the complainant for new connection and meter for electric supply in single phase and commercial category, site visit was carried out on 20th October 2021 by the officials of Customer Care SIMHA department of the Respondent. The report of the said visit was forwarded to the deputy engineer for sanctioning the connection. Hence requisition was

sanctioned and the compliance was done by 21st October 2021. Thereafter the collection order was also issued on 21st October 2021.

- b) 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 (Supply Through Independent Meter in Hutment Area) 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 new connection to the premises of the complainant, till further instructions from the higher authority, as the LV network is overloaded in Sanaulah compound, Dharavi, where the complainant's premises situated.
- c) 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 meter as LV network is over loaded.
- d) According to the representative of the Respondent, the complainant's application was allowed for new connection, 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.
- e) According to the representative of the Respondent, to meet the overload situation, the planning department has already intimated the scheme to the Erection N 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 (MERC) 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.
- f) 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 dt. 16/11/2021 to cancel its sanction order dt. 21/10/2021 about providing new electric connection and meter is valid and justifiable ?	In negative
2	Whether it is necessary to direct the Respondent to install meter and give electric supply to the complainant as per Respondent's sanction order? If yes, in what terms this grievance application can be disposed off ?	It is necessary to direct the Respondent to withdraw its cancellation order dt. 16/11/2021 and to restore its sanction-order dt. 06/10/2021 and to install meter and give electric supply to the complainant as per Respondent's said sanction order, within 15 days from receipt of this order. Hence, this grievance application is being allowed and disposed off as is being directed in the operative order being passed herein below.

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 new connection and issued sanction order dt. 20/10/2021. As per that sanction order and on the demand of the Respondent, the complainant has paid to the Respondent the amount of Rs. 2,000/- towards connection fees and Rs. 2,500/- towards security on or about 21/10/2021. It is also not in dispute that the Respondent has not provided electricity to 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 (Supply Through Independent Meter in Hutment Area) of Wadala, Mumbai, to withhold the new 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 new connection. We have examined the submissions of the parties in the facts and circumstances of the case noted herein earlier. We are unable to find it justifiable to cancel the order of sanction for new connection 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 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 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 electric connection after her application had already been allowed 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 of the connection order 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 direction to the Respondent/licensee to withdraw its cancellation order dt. 16/11/2021, to restore its sanction-order dt. 06/10/2021 and to provide new electric connection to the premises of complainant by installing meter as per the sanction order of the Respondent 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 disposed off by this Forum. Hence we pass the following order.

Order

- 1.0 The instant grievance application no. GN-003-2021 dtd. 17/11/2021 filed before this Forum 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, to restore its sanction-order dt. 06/10/2021 and to provide new electric connection to the premises of complainant by installing meter as per the said sanction order of the Respondent, 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)