

**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

**Representation No N-FN-378-2019 dtd. 05/04/2019**

Shri Ashwin V. Parmar .....Complainant

V/S

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

**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. Smt. Sangeeta S. Darne, Sr. AO CC(F/N)  
2. Smt. Tanuja Y. Rege, Ag. AO CC(F/N)

On behalf of the Respondent-2 : Shri Jayesh N. Kenia

On behalf of the Complainant : Shri Ashwin V. Parmar

Date of Hearing : 17/06/2019

Date of Order : 19/06/2019

**Judgment by Shri. Vinayak G. Indrale, Chairman**

Shri Ashwin V. Parmar, 595/D, Narendra Villa, Gr. Flr., R. No. K-4-A, Dr. Ambedkar Road, Central Matunga (E), Mumbai - 400 019 has come before the Forum for dispute with landlord for awaiting new connection. The grievance of the complainant as mentioned in Schedule 'A' is to open the lock of meter box being locked by landlord and to install new electric meter.

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

The complainant has approached to IGR Cell dtd. 30/01/2019 received on 30/01/2019 for dispute regarding new connection as the complainant was not satisfied by the remedy provided by the IGR Cell of Distribution Licensee on his grievance, the complainant has approached to CGRF in schedule 'A' dtd. 01/04/2019 received by CGRF on 03/04/2019. The grievance of the complainant as mentioned in Schedule 'A' is to open the lock of meter box being locked by landlord and to install new electric meter.

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

- 1.0 The complainant Shri Ashwin V. Parmar came before the Forum regarding his dispute with landlord about new connection to the residential premises under staircase at 595/D, Narendra Villa, Ground floor, R. No. 4-A, Dr. Ambedkar Road, Central Matunga (E), Mumbai - 400 019.
- 2.0 Shri Ashwin V. Parmar applied for new connection vide requisition no. 319967 dtd. 06/09/2017 for electric supply for residential purpose at above referred address. He has submitted following documents along with the application.
  - a) Rent Receipt in the name of Hasmukhbhai Hiralal Darji, earlier tenant on pagdi basis dtd. 28/02/1985.
  - b) Copy of electricity bill in the name of landlord pertaining to a/c no. 592-241-019.
  - c) Death Certificate of Late Shri Vitthaldas C. Parmar, father and Late Savitaben V. Parmar mother of applicant issued by MCGM.
  - d) Birth Certificate
  - e) Ganpati Mahotsav Receipt dtd. 14/09/1985 in the name of Shri Vitthaldas C. Parmar.
  - f) Copy of Annexure 'A', Inspection Report in respect of property issued by Assessor and Collection Dept. of MCGM.
  - g) Affidavit of Shri Hasmukhbhai Hiralal Darji giving away rights, interest claim in favour of his father etc.
- 3.0 After investigation on 29/09/2017, it is found that the applied premises is below the staircase of the size 6' x 2.5' and one sewing machine found at the applied premises. The electric supply to this premises was given from a/c no. 592-211-029 belongs to Shri Suresh Ajmera. No document was submitted proving his occupancy / ownership of the same premises.
- 4.0 Applicant's requisition was sanctioned on 08/10/2018 and complainant was informed to submit occupancy proof, NOC from landlord, connection fees and security deposit etc. to carry out the electricity wiring and submit test report of wiring. The complainant has failed to comply terms and conditions of sanctioning letter within 60 days and requisition was cancelled by the system.
- 5.0 Meanwhile the landlord, Shri Narendra R. Kenia has raised objection for giving electric supply to the complainant.
- 6.0 Till today the complainant has not carried out electrical wiring nor submitted valid occupancy proof. Hence, electric supply could not be connected to the complainant's premises.

## REASONS

- 1.0 We have heard the argument of representative of the complainant and for the Respondent BEST Undertaking Smt. Sangeeta S. Darne, Sr. AO CC(F/N) and Smt. Tanuja Y. Rege, Ag. AO CC(F/N). Perused the documents filed by either parties to the proceeding.
- 2.0 The representative of the complainant has vehemently submitted that although application for new connection was sanctioned on 03/10/2018, the Respondent BEST Undertaking has not given electric supply and therefore he prayed to allow the complaint. He has specifically prayed in Annexure 'C' as well as Schedule 'A' that to open lock of meter box being locked by the landlord and install new electric meter. Considering this grievance of the complainant we have to see whether this grievance comes under the definition of 'Grievance' as contemplated under Regulation (2) of MERC (CGRF & EO), Regulation, 2006.
- 3.0 After considering the above said definition, certainly the grievance of the complainant would come under the definition of 'Grievance' after due compliance by the complainant as directed by the Respondent BEST Undertaking vide letter dtd. 08/10/2018. It is pertinent to note that the complainant did not make his compliance as directed in letter dtd. 08/10/2018 and directly approached the IGRC and this Forum to break open the lock of meter cabin and install the meter. This approach of the complainant appears to be not proper.
- 4.0 We have gone through the say filed by the Respondent BEST Undertaking in which they have contended that this is a disputed case between the landlord and Shri Ashwin Parmar who has not produced valid occupancy proof as well as has not carried out necessary compliances. The Respondent BEST Undertaking has therefore submitted that the directions were given to the complainant to comply with the wiring of the premises from his premises to meter room and pay the necessary charges and thereafter action for installation of meter can be carried out.
- 5.0 We have gone through the application filed by the complainant for new connection which is at Exhibit 'A'. It is pertinent to note that the said application is silent as to whether the complainant has filed application for new electric connection for residential or commercial. It appears that the complainant has received a letter dtd. 08/10/2018 placed at pg. 67/C issued by the Respondent BEST Undertaking directing the complainant to comply for new electric connection. It appears that since 08/10/2018 to till filing of Schedule 'A', he did nothing and all of a sudden has prayed to break open the lock of meter cabin and install the electric meter.
- 6.0 We have gone through the inspection report placed at pg. 47-49/C in which the connection sought is shown for commercial purpose. It appears that the said place is below the staircase having area of 6 feet x 2.5 feet. Considering situation of the said place, it appears that it can never be used for residential purpose and in inspection report it is shown that there was one tailoring machine in the said space. Considering

all these lacunas on the part of the complainant, it appears that the complainant has not come before the Forum with clear hands. The application filed by the complainant for new electric connection on 25/09/2018 has been cancelled by the system as the compliance was not made by the complainant within 60 days from the date of sanction. However, the complainant has filed Annexure 'C' on 30/01/2019, after cancellation of his requisition by the system.

- 7.0 The landlord also appeared in the matter and submitted that there is Injunction Order passed by the City Civil Court but no documentary evidence in that regard has been placed on record. The landlord admitted at the time of hearing the possession of the complainant for the said space below staircase even if no rent receipt has been filed. At the most it can be held that the complainant is in settled possession of the said premises.
- 8.0 Having regard to the above said discussion and non-compliance on the part of the complainant, he is not entitled to claim relief as prayed in Schedule 'A'. First the complainant is required to submit test report for electric wiring from his premises to meter cabin, which he has not done so far. In this circumstances we think it just and proper to give one opportunity to the complainant to file fresh application for electric connection and to make all due compliances as required under Regulation 4.1 of MERC (Electricity Supply Code and Other Conditions of Supply) Regulation, 2005.
- 9.0 The complainant and the third party / landlord sought adjournment and therefore there is delay on their part in deciding the matter. In result we pass the following order.

### ORDER

- 1.0 The complaint no. N-FN-378-2019 dtd. 05/04/2019 stands dismissed.
- 2.0 The complainant is permitted to file fresh application for new electric connection and make due compliance as required under Regulation 4.1 of MERC (Electricity Supply Code and Other Conditions of Supply) Regulation, 2005.
- 3.0 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