

**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-GS-369-2018 dtd. 28/09/2018**

The Trustee  
Issa Peer Saheb Dargah Trust .....Complainant

V/S

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

**Present**

Chairman

Quorum : Shri V. G. Indrale, Chairman

Member

1. Shri K. Pavithran, Member

On behalf of the Respondent : 1. Shri S.V. Fulpagare, DECC(G/S)  
2. Shri U.J. Karekar, Ag. Supdt. CC(G/S)

On behalf of the Complainant : 1. Shri Iliyas D. Kagadi  
2. Shri Faiyaz A. Kelsekar

Date of Hearing : 20/11/2018

Date of Order : 26/11/2018

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

The Trustee, Issa Peer Saheb Dargah Trust, Ground floor, Staff Room, 34-B, Sasmira Marg, Worli, Mumbai - 400 030 has come before the Forum for dispute regarding installation of meter against new connection.

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

The complainant has approached to IGR Cell on 12/07/2018 dispute regarding installation of meter against new connection. The complainant has approached to CGRF in schedule 'A' dtd. 26/09/2018 received by CGRF on 27/09/2018 as the complainant was not satisfied by the remedy provided by the IGR Cell of Distribution Licensee on its grievance.

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

- 1.0 Shri Iliyas Dawood Kagadi, The Trustee Issa Peer Saheb Dargah Trust came before the Forum regarding his dispute about connection of electric supply to the staff room of the Dargah premises.
- 2.0 The complainant has applied for electric supply to the staff room of the Dargah premises under reference vide requisition no. 358472 dtd. 09/05/2018. The complainant has submitted NOC from Issa Peer Saheb Trust, letter from Maharashtra State Board of Wakfs, Aurangabad, Aadhar Card, Registration Certificate from Board of Wakfs, Property Tax receipt of year 2005 with application.
- 3.0 At the time of installation of meter Shri Naseem Khan took objection for installation of meter, hence meter could not be installed for giving electric supply. Shri Naseem Khan in his letter dtd. 17/05/2018 has stated that there is a meter installed in the name of Issa Peer Saheb Dargah under A/c.No. 648-395-021 and another in the name of General Secy of Banm-e-Ahbab under A/c. 648-398-071 for the Masjid and all electricity bills, property tax are being paid by him. Also, there is case pending with Court of Maharashtra Waqf Tribunal with Waqf (Misc. application No.08/2018.). Thereafter, Shri Naseem Khan has submitted letter dtd. 04/07/2018 along with receipt of property tax and raised his objection for installation of meter. He further stated that not to provide any meter in the name of Issa Peer Saheb Trust without the permission of Maharashtra State Board of Waqf, Aurangabad and await the Courts Order in the said matter. This case was referred to Legal Dept.
- 4.0 There is a dispute pending between Mr.Iliyas Dawood Kagadi & Mr. Naseem Khan even though necessary compliances was done by applicant, installation could not be carried out due to objection raised by Mr.Naseem Khan. Premises for which electric supply has applied is having electric supply from Masjid's meter.

**REASONS**

- 1.0 We have heard the arguments of the complainant Shri Iliyas D. Kagadi who is alleged to be Trustee of Issa Peer Saheb Dargah Trust and for the Respondent BEST Undertaking Shri S.V. Fulpagare, DECC(G/S) and Shri U.J. Karekar, Ag. Supdt. CC(G/S). Perused the written statement filed by the Respondent BEST Undertaking along with the documents marked at Exhibit 'A' to 'F'. Perused the documents filed by either parties to the proceeding.

2.0 The complainant has submitted that, in the capacity of Trustee of Issa Peer Saheb Dargah Trust he has applied for new electricity connection to the staff room which is adjoining to the Masjid and the Respondent BEST Undertaking has sanctioned the electric supply but it was objected by some other person and therefore supply was not given. The Respondent BEST Undertaking has submitted that due to objection by Shri Naseem Khan they have not carried out installation of meter. The Respondent BEST Undertaking has further submitted that the dispute in respect of said property is pending before Maharashtra State Board of Wakfs, Aurangabad and since already there is supply to the staff room through meter provided to the Masjid, they prayed to dismiss the complaint.

3.0 Having regard to the above said submissions and in view of admitted fact that already two electric connections are provided, one in the name of Issa Peer Saheb Dargah under a/c no. 648-395-021 and another in the name of General Secretary of Banm-e-Ahbab under a/c no. 648-398-071 for Masjid, whether, now the complainant who has applied for electric supply in the name of Issa Peer Saheb Dargah Trust is again entitled to get third electric connection for the premises ? On this point, we have cautiously gone through the documents filed by the complainant along with the application for electric connection and it appears that certificate of registration under Wakfs Act is issued in the name of Issa Peer Saheb Dargah, Clive Land Road, Worli, Mumbai - 400 025 dtd. 16/04/2008. There is no record to show that the said Issa Peer Saheb Dargah has also registered as Trust. We are saying so because it appears that already electricity connection has been provided in the name of Issa Peer Saheb Dargah under a/c no. 648-395-021 and therefore with ill intention to get third electricity connection they have applied in the name of Issa Peer Saheb Dargah Trust.

4.0 It reveals from the record that after applying for the new electricity connection, the officials of Respondent BEST Undertaking have visited the premises and prepared the map showing the position of staff room for which electricity connection has been sought. The said map is at pg. 9/C. The said map goes to show that the said staff room for which new connection has been sought is adjoining to the Masjid for which already electricity connection has been provided and therefore we have arrived at the conclusion that if the connection as sought will be granted, it would contravene the provisions of clause 1.14 of Terms and Conditions of Supply. Clause 1.14 runs as under.

*1.14 "Installation" means the whole of electric wires, fittings, motors and apparatus erected and wired by or on behalf of the consumer on one and the same set of premises.*

5.0 In view of this definition, it is crystal clear that the Masjid and the adjoining staff room is one and the same set of premises and therefore the applicant has no right to claim new electricity connection for staff room as it would cause revenue loss to the BEST Undertaking in the form of giving slab benefit. It appears that it is not the choice of the consumer that he should ask electricity connection for each room in the

house for same purpose of usage of electricity, for that clause 1.14 has been framed to protect the interest and revenue of the Distribution Licensee.

- 6.0 It appears from the written statement and argument advanced by the Respondent BEST Undertaking that initially they have completely overlooked the loss which will cause to the Respondent BEST Undertaking by giving third electric connection to the Masjid. The Respondent BEST Undertaking has only shown their fingers on Shri Naseem Khan and came with the case that Shri Naseem Khan has objected while giving electric connection and therefore they have not given supply. Their stand does not appear to be proper and in accordance with clause 1.14 of Terms and Conditions of Supply.
- 7.0 On assessing the evidence placed before the Forum, we have come to the conclusion that the premises for which electric connection has been sought is one set of premises for which already electric connection has been provided in the name of Issa Peer Saheb Dargah and therefore now the complainant is not entitled to ask for third electric connection under the same tariff. It will certainly amounts to contravention of clause 1.14 of Terms and Conditions of Supply.
- 8.0 In our considered view, we do not find any substance in the complaint. In result we pass the following order.

**ORDER**

- 1.0 The complaint no. N-GS-369-2018 dtd. 28/09/2018 stands dismissed.
- 2.0 Copies of this order be given to both the parties.

Sd/-  
(Shri K. Pavithran)  
**Member**

sd/-  
(Shri V.G. Indrale)  
**Chairman**