

**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. S-A-231 dtd. 23/07/2014.**

Mr. P.K. Pasta (M/s Harsha Agencies) .....Complainant

V/S

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

**Present**

Chairman

Quorum : 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 P.K. Pasta

On behalf of the Respondent (1) : 1. Shri I.I.A. Fakih, DECC(A)  
(BEST Undertaking ) 2. Shri S.B. Doiphode, Supdt. CC(A)

On behalf of the Respondent (2) : 1. Shri Shekhar Shah  
(M/s Candle Light Co.Pvt.Ltd.) 2. Shri D.D. Sharma

Date of Hearing : 05/09/2014

Date of Order : 22/09/2014

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

Mr. P.K. Pasta, M/s Harsha Agencies, 5, Abdul Court, 1161, Suryavanshi Marg, Shivaji Park, Dadar (W), Mumbai 400 028 has come before the Forum against sanctioning of meter for the premises of M/s Candle Light Co. Pvt. Ltd., 3<sup>rd</sup> Pasta Lane, Colaba.

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

1.0 The complainant has approached to IGR Cell on 15/05/2014 against Installation of meter for the premises of his sub-tenant M/s Candle Light Co. Pvt. Ltd., 3<sup>rd</sup> Pasta Lane, Colaba. The complainant has approached to CGRF in schedule 'A' dtd. 21/07/2014 (received by CGRF on 22/07/2014) as no remedy is provided by the IGR Cell Distribution Licensee regarding his grievance.

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

- 2.0 Shri P.K. Pasta, partner of M/s Harsha Agencies on 22/07/2014 has once again represented to CGRF and filed his grievances in Schedule 'A' regarding his dispute of sanctioning meter for the premises of M/s Candle Light Co. Pvt. Ltd. who is his sub-tenant.
- 3.0 M/s Candle Light Co. Pvt. Ltd. had applied for new meter and after confirming physical occupation and documents such as Shop & Establishment Licensee, telephone bill, NOC from MCGM for water storage tank, the separate meter was sanctioned on 08/07/2008.
- 4.0 M/s Harsha Agencies on 11/12/2009 filed a complaint to CGRF BEST and the Forum has already decided the case under S-A-92-2010 dtd. 01/02/2010. M/s Candle Light Co. Pvt. Ltd. approached Hon'ble High Court against the order of CGRF on 31/05/2010 and obtained stay for the same order and made representation to the Hon'ble Ombudsman.
- 5.0 Hon'ble Ombudsman set aside the Forum's order as not being in line with the provisions of law and the representation by M/s Candle Light Co. Pvt. Ltd. is allowed for installation of separate meter to their premises.
- 6.0 M/s Harsha Agencies filed a review application twice (31/05/2010 & 17/08/2010) with Hon'ble Ombudsman, however, both are rejected by the Hon'ble Ombudsman as same lacks the merit.
- 7.0 M/s Harsha Agencies, now again agitated the complainant under S-A-231 dtd. 23/07/2014 before the Forum stating that Respondent BEST Undertaking had suppressed some documents and hence he wants to represent the case once again. However, as per BEST Undertaking all the relevant documents were provided to M/s Harsha Agencies under RTI and thereafter he has filed the Case Review Application no. II with Hon'ble Ombudsman.
- 8.0 The Respondent BEST Undertaking and M/s Candle Light Co. Pvt. Ltd. submitted that as the Forum (CGRF) and Hon'ble Ombudsman and also High Court has already heard and decided the case, it should not be admitted as per Regulation 6.6, 6.7(c) & 6.7(d) of (CGRF &EO) Regulation, 2006.

## REASONS

- 9.0 We have heard the complainant in person and for the BEST Undertaking Respondent No. 1 Shri I.I.A. Fakhri, DECC(A) along with Shri S.B. Doiphode, Supdt. CC(A) and for Respondent No. 2 Shri Shekhar Shah and Shri D.D. Sharma. Perused documents placed before this Forum.
- 10.0 The case on our hand, has been a classic case of an abortive, futile and unwarranted exercise undertaken by the complainant to re-agitate his grievances viz. installation of separate meter sanctioned to the M/s Candle Light Co. Pvt. Ltd. Respondent No. 2. It is most significant to observe at this juncture that the grievance now sought to be raised in the instant matter, has been already resolved by this Forum by its order dtd. 21/04/2010, in a representation no. S-A-92-2010 dtd. 01/02/2010 between the same present parties and that too in favour of the present complainant.
- 11.0 In the aforesaid facts and circumstances this Forum has been surprised to notice, as to why the complainant has again approached us re-agitating the same grievance which has been already resolved in his favour in the past. On perusing the documents placed before us, we find that it is the Hon'ble Ombudsman who has passed the order dtd. 23/07/2010 against the present complainant by proceeding to set aside the order dtd. 21/04/2010 passed by this Forum in favour of the complainant, in the representation no. 74 of 2010. It is further significant to observe that this order thereafter was a subject matter of first review application no. 113 of 2010 and thereafter second review application no. 124 of 2010. Both these review applications came to be decided against the complainant. It is therefore blatantly manifest that if at all the present complainant is having any grievance that should be against the orders passed by the Hon'ble Ombudsman and not against this Forum.
- 12.0 We may further proceed to observe that as envisaged under Regulation 6.7 provided under the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulation, 2006, this Forum has been restrained from entertaining a grievance if the grievance is in respect of the same subject matter that has been settled by this Forum in the previous proceedings. To reiterate, the complainant should not have any grievance against this Forum as this Forum has passed order in the past in his favour only and secondly the complainant has also been barred from re-agitating the same grievance before this Forum on the same subject matter which has been already settled by this Forum.
- 13.0 Taking into consideration, a letter and spirit of statutory regulation like 6.7 (c) referred to above, the present complainant is not entitled to approach this Forum again to re-agitate its old grievance. This Forum may further observe that the complainant has placed its much reliance on the alleged new information obtained by

him vide reply dtd. 06/05/2014 received from the Respondent BEST Undertaking in response to his application submitted under RTI Act. It is pertinent to observe at this juncture that on the similar ground of discovering alleged new and important matter or evidence, in the interest of justice a second review application no. 124/2011 was preferred by the present complainant before the Hon'ble Ombudsman. In this connexion in the second review application it was contended by the present complainant having received an information under RTI Act from the Respondent BEST Undertaking in the month of December 2010, establishing that the premises occupied by the Candle Light Co. P. Ltd. i.e Respondent No. 2 was not qualified for a separate meter, therefore liable to be removed by disconnecting the electricity supply. This Forum therefore observes that in the same manner and fashion, the present complainant could have filed another review application before the Hon'ble Ombudsman on discovering alleged new and important matter or evidence vide letter dtd. 06/05/2014 received from the Respondent BEST Undertaking, in response to his another application under the RTI Act. This Forum therefore fails to understand as to why on this occasion, the complainant has approached this Forum, instead of Hon'ble Ombudsman.

- 14.0 In the aforesaid observation and discussion this Forum finds more than one reason to proceed to dismiss the present complaint being not sustainable in law and to reiterate a sheer abortive and futile exercise on the part of the complainant. Needless to mention that the present compliant is liable to be dismissed being devoid of any merit. Accordingly we do so.

#### **ORDER**

1. The complaint No. S-A-231-2014 stands dismissed.
2. Copies of this order be given to both the parties.

(Shri S.M. Mohite)  
Member

(Shri M P Thakkar)  
Member

(Shri R U Ingule)  
Chairman