

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-310-2016 dtd. 11/11/2016.

Ramesh Multi Works & Lavina Elect. WorksComplainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Chairman

Quorum : Shri V. G. Indrale, Chairman

Member

1. Shri S.V. Fulpagare, Member

On behalf of the Complainant : 1. Shri Tahir A. Khan
2. Shri Subhan Khan
3. Shri Ramesh Jadhav
4. Shri Pravin Patel

On behalf of the Respondent : 1. Shri N.V. Bhandari, DECC(A)
2. Shri S.P. Ghevade, Dy.E CC(A)

Date of Hearing : 21/12/2016

Date of Order : 05/01/2017

Judgment by Shri. Vinayak G. Indrale, Chairman

Ramesh Multi Works & Lavina Elect. Works, stall / shop no. 3 & 2, Ground floor, Biry House Bldg. no. 265, Bazar Gate, St. Perin Nariman Street, Fort, Mumbai - 400 001 have come before the Forum for dispute regarding new connection.

Complainant has submitted in brief as under :

The complainants have approached to IGR Cell on 20/07/2016 for dispute regarding new connection. The complainants have approached to CGRF in schedule 'A' dtd. 18/10/2016 (received by CGRF on 08/11/2016) as the complainants were not satisfied by the remedy provided by the IGR Cell of Distribution Licensee on their grievance.

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

- 2.0 The complainant Ramesh Multi Works and Lavina Electrical Works came before the Forum regarding their dispute about electric supply to the stalls attached to the building. They have further requested to pay the compensation as per MERC Regulation as there is delay in sanctioning their applications for electric supply.
- 3.0 Lavina Electrical Works had applied for electric supply on 13/01/2016 vide requisition no. 237963. Along with requisition it had submitted xerox copy of receipt issued by Jupiter Commercial Services bearing receipt no. 433 dtd. 22/04/2014 indicating payment of Rs. 2000 for the month February and March 2014. Another receipt was issued by Joy Enterprises bearing receipt no. 682 dtd. 18/11/2015 indicating payment of Rs. 2000 for the month of October 2015. From this, it is not clear who is the actual landlord of the building. No latest rent receipt was submitted by the complainant. The complainant has further submitted Shop and Establishment license issued by BMC, an Undertaking letter and Authority letter.
- 4.0 Ramesh Multi Works had applied for electric supply on 13/01/2016 vide requisition no. 237973. Along with requisition it had submitted xerox copy of receipt issued by Joy Enterprises bearing receipt no. 521 dtd. 03/07/2015 indicating payment of Rs. 2100 towards for the month April, May & June 2015. The complainant has further submitted Shop and Establishment license issued by BMC, an Undertaking letter, NOC from BMC, NOC from M/S Merchant Real Estate Pvt. Ltd. (Landlord) dtd. 30/01/2010 and Authority letter. From this, it is not clear who is the actual landlord of the building. No latest rent receipt was submitted by the complainant.
- 5.0 Vide letter dtd. 21/01/2016, the landlord (i.e. M/S Merchant Real Estate Pvt. Ltd.) took the objection for granting electric supply to both the complainants. Along with his objection letter he has submitted xerox copy of Tax Assessment Statement for the period from 01/04/2015 to 31/03/2016.
- 6.0 Since there were many discrepancies in the document submitted by both the complainants along with their applications for electric supply, the Undertaking has asked to the complainants vide letter dtd. 19/04/2016 to submit following documents.

- i) Latest valid occupancy proof
- ii) NOC from Landlord
- iii) Assessment Tax Receipt in the name of rent receipt issuing authority to confirm the landlord of the building.
- iv) Latest paid bill of a/c no. 320-295-121
- v) Qualification of premises
- vi) Shop & Establishment of License / MCGM NOC

7.0 In these letters, it was further mentioned that the above compliances shall be made within 60 days from the date of this letter, failing of which we shall treat your requisition as cancelled without any further intimation to you.

8.0 Again on 28/07/2016, a letter ESL-9 was sent to both the complainants to contact concerned officer with the compliances on any working day within 15 days from the date of this letter, failing which application will be cancelled without any further intimation. Both the applications for electric supply were auto cancelled by the system on 12/08/2016 as the complainant has failed to submit the required documents. Since all required documents were not submitted within stipulated period, BEST Undertaking is not liable to pay any compensation to both the complainants.

9.0 After receiving objection letter from M/S Merchant Real Estate Pvt Ltd dated 21/01/2016, the complainant has submitted receipt dated 20/02/2016, Receipt No. 794 issued by Joy Enterprises in the name Ramesh Multiworks and receipt dated 08/06/2016, Receipt No. 102 issued by Jewel Enterprises in the name Lavina Electrical Works. Hence receipts submitted by the complainant are not genuine.

10.0 On 18/11/2016, a letter was sent to M/S Merchant Real Estate Pvt Ltd, (Land Lord) for verification of receipt issued by him. He was requested to let us know within 7 days from the receipt of this letter, if these receipts are issued by him and visit personally along with his I.D. proof and original documentary proof / evidence along with self attested copies in support of his say at the ward office failing of which the application for installation of meter at the premises under reference will be proceed by us as per rules and regulations in force. Since there is no response from the land lord is received against this letter, the Undertaking is taking necessary steps to release the new connection to the complainants.

REASONS

11.0 We have heard the arguments of Shri Tahir A. Khan, representative of both the complainants and for the Respondent BEST Undertaking, Shri N.V. Bhandari, DECC(A) and Shri S.P. Ghevade, Dy.E CC(A). We have perused plethora of documents placed on record by either party to the proceeding. We have perused the written submission filed by the Respondent BEST Undertaking along with list of documents marked at Exhibit 'A' to 'I'.

- 12.0 The representative of the complainants has vehemently submitted that both the complainants have applied for new electricity connection to the premises in their possession as tenant on 13/01/2016 in prescribed proforma and inspite of this for the first time the Respondent BEST Undertaking given reply on 19/04/2016 giving details of payment and compliance required for processing the application. The Respondent BEST Undertaking has also placed on record both the said applications Exhibit 'B' & 'C' given by both the complainants and same are at pg. 09 & 69. Both have paid required fees of Rs. 75/- for registration. The Respondent BEST Undertaking has submitted that the complainants have not submitted upto date rent receipts and rent receipts which they have produced were having name of different landlords and therefore to ascertain the real landlord they required time for processing the application for new connection. They have further submitted that the landlord Shri Afzal Biryha had taken objection on 20/01/2016 to give new electric connection to the complainants and therefore there was delay in processing the application.
- 13.0 The representative of the complainants has submitted that in the month of October 2016 the Government has issued GR exempting landlord's NOC for giving the electricity connection to tenanted premises. The Respondent BEST Undertaking has submitted that in order to ascertain the truth in the objection taken by the landlord on 20/01/2016, they have issued a letter to landlord but the landlord had not given any response therefore they are ready to give electric supply to the complainants.
- 14.0 Having regard to the above said submission made by both the parties the dispute appears to be in respect of processing application for new electricity connection for commercial purpose and to see whether there is contravention of Standard of Performance (SOP) of Distribution Licensee as per MERC Regulation, 2006. We have cautiously gone through the provision of Regulation 4 of MERC (Electricity Supply Code and Other Conditions of Supply) Regulation, 2005 which deals with Application for Supply and documents required for processing the application. The said regulation gives detail particulars about the submission of documents by the consumer. The Regulation 5 deals with Processing of Applications. We do not think it necessary to reproduce all the details as prescribed in Regulation 4 & 5 of MERC ((Electricity Supply Code and Other Conditions of Supply) Regulation, 2005.
- 15.0 After going through the application no. 237973 at Exhibit 'B' and application no. 237963 at Exhibit 'C' it appears that both the complainants have filed application for new connection for commercial purpose on 13/01/2016 and accordingly the Respondent BEST Undertaking has given acknowledgement by accepting the registration fee of Rs. 75/- from each complainant. In view of this aspect now we have to see whether there is contravention of SOP as per MERC Regulation, 2005. We think it just and proper to reproduce relevant provisions of SOP of Distribution Licensee.

Level of compensation payable to consumer for failure to meet Standard of Performance.

Supply activity / event	Standard	Compensation payable	
1. Provision of supply			
(i)	Time period for completion of inspection of applicant's premises from date of receipt of application.	Seven (7) days (towns & cities)	Rs. 100 per week or part thereof of delay.
		Ten (10) days (rural areas)	
(ii)	Time period for intimation of charges to be borne by applicant from date of receipt of application : - in case connection is to be from existing network - where extension of distribution main or commissioning of sub-station is required		Rs. 100 per week or part thereof of delay.
		Fifteen (15) days (town & cities)	
		Twenty (20) days (rural areas)	
		Thirty (30) days	
(iii)	Time period for provision of supply from date of receipt of completed application and payment of charges : - in case connection is to be from existing network - where extension or augmentation of distributing main is required - where commissioning of sub-station is required		Rs. 100 per week or part thereof of delay.
		One (1) month	
		Three (3) months	
		One year	

16.0 The representative of the complainant has submitted that they have filed the applications for new connection as per Regulation 4, then it is obligatory on the part of Distribution Licensee to inform the consumer about the charges to be borne by them within 15 days from the date of receipt of application. He has submitted that admittedly the Respondent BEST Undertaking has intimated the complainants about the charges and compliance required for processing the application on 19/04/2016 and therefore the complainants are entitle to get compensation as per SOP. We have gone

through the relevant provisions enumerated in SOP for compensation payable to the consumers for failure to meet SOP. The said SOP consists of three parts.

- 16.1 The first part deals with time period for completion of inspection of applicant's premises from the date of receipt of application, Standard is given 7 days (towns & cities).
- 16.2 Second part deals with time for intimation of charges to be borne by the applicants from the date of receipt of application, Standard is given 15 days (town & cities) and
- 16.3 Third part deals with time period for provision of supply from the date of receipt of completed application and payment of charges, Standard is given 1 month in case connection is to be from existing network.
- 16.4 In view of this legal position as regards first part it is not the case of the complainants that the Respondent BEST Undertaking had not completed inspection of the premises within 7 days from the date of receipt of application. Thus it is presumed that the Respondent BEST Undertaking had inspected the premises of applicants.
- 16.5 As regard second part, time period for intimation of charges to be borne by applicant, the Standard is given 15 days. In the instant case admittedly for the first time the Respondent BEST Undertaking had intimated the complainants about the payment of charges and other compliance on 19/04/2016. Both these letters issued to the complainants are on pg. 19 & 99. It is pertinent to note that in both the applications sanction date is shown as 30/01/2016 with a view to escape from the contravention of SOP. If the Respondent BEST Undertaking had sanctioned the application on 30/01/2016 then there was no hitch for the Respondent BEST Undertaking to send the said sanction on 30/01/2016, but that had not been done by the Respondent BEST Undertaking and they have sent the letter on 19/04/2016 and therefore it amounts to contravention of SOP (ii).
- 16.6 As regards part three of SOP which deals with time period for provision of supply from the date of receipt of completed application and payment of charges, Standard is given 1 month. In the instant case although the Respondent BEST Undertaking had communicated the charges to the complainants on 19/04/2016, the complainants have not deposited it and also they have not made due compliance as required. The representative of the complainants has submitted that both the complainants have submitted Shop and Establishment License issued by BMC and the said document itself is proof of occupation and there was no hitch for the Respondent BEST Undertaking to process the application. Even if it is true, both the complainants have failed to deposit the charges and therefore in any case it cannot be held that their applications are to be treated as completed applications. If viewed from this angle it cannot be held that there is contravention of part 3 of SOP.

- 17.0 On this aspect the Respondent BEST Undertaking has submitted that after issuing the letter to landlord who has not given any response, they have re-registered the application of the complainants and ready to give the electric supply. It appears from the record that the complainants are getting the electricity from landlord on payment of agreed charges and therefore they are not so interested in taking the new connection. Apart from this aspect it is for the complainants to comply the applications by depositing the required charges as shown in letter dtd. 19/04/2016. If complainants deposits the connection fee and other charges in that case the Respondent BEST Undertaking is under statutory obligation to provide the electricity connection within stipulated period as shown in SOP.
- 18.0 Having regard to the above said discussion, the question now poses before us is about the amount of compensation for which the complainants are entitled from the Respondent BEST Undertaking. As per part 2 of SOP the compensation payable is shown as Rs. 100/- per week or part thereof of delay. In the instant case admittedly the application was given by both the complainants on 13/01/2016 and the Respondent BEST Undertaking had intimated them on 19/04/2016. So the period after excluding first 15 days comes to 11 weeks. Thus the Respondent BEST Undertaking is liable to pay compensation of Rs. 1,100.00 to each complainant for contravention of SOP part (ii).
- 19.0 For the above stated reasons the Forum comes to the conclusion that the Respondent BEST Undertaking has failed to meet out SOP and therefore the Respondent BEST Undertaking is liable to pay Rs. 1,100.00 to each complainant as compensation. As regards failure to meet part (iii) of SOP, the complainants have not deposited the required charges for new electric connection and therefore for that the Respondent BEST Undertaking is not liable to pay any compensation. If the complainants deposit required charges for new connection then the Respondent BEST Undertaking is under obligation to provide new connection within stipulated time period. It appears that due to non-payment of connection fee and other charges, applications filed by the complainants are automatically cancelled. So the complainants are required to file fresh applications for electricity connection and in that case, the Respondent BEST Undertaking should provide electric supply after following due procedure.
- 20.0 With this observation the complaint deserves to be allowed as under. In result we pass the following order.

ORDER

1. The complaint no. S-A-310-2016 dtd. 11/11/2016 stands allowed.
2. The Respondent BEST Undertaking is hereby directed to pay compensation of Rs. 1,100.00 (One Thousand One Hundred) to each complainant for failure to meet out part (ii) of SOP.

3. If the complainants registered fresh applications for electric supply, the Respondent BEST Undertaking is directed to give supply to the complainants within stipulated time period.
4. The Respondent BEST Undertaking is directed to comply the order within one month from the date of receipt of order and report the compliance thereafter within 15 days.
5. Copies of this order be given to both the parties.

(Shri S.V. Fulpagare)
Member

(Shri V.G. Indrale)
Chairman