

		Date	Month	Year
1	Date of Receipt	25	05	2022
2	Date of Registration	26	05	2022
3	Decided on	15	06	2022
4	Duration of proceeding	14 days		
5	Delay, if any.	NIL		

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

Grievance No. FN-458-2022 dtd. 26/05/2022

Mrs. Sushma ShettyComplainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Chairman

Coram : Shri S.A. Quazi, Chairman

Member

1. Smt. Anagha A. Acharekar, Independent Member
2. Shri S.S. Bansode, Technical Member

On behalf of the Respondent (1) : 1. Shri R.U. Kasar

On behalf of the Complainant : 1. Shri Venkat Prabhu

Date of Hearing : 10/06/2022

Date of Order : 15/06/2022

Judgment

- 1.0 The complainant has grievance about the Respondent's decision DT. 18/05/2022, regarding disconnection of electric supply to the complainant's premises which is a Restaurant on the ground floor of the building situated at Plot no. 462/467 B, Shree Ram Bhuvan, Nathalal M. Parekh Marg, Aurora Cinema, Kings Circle, Matunga, Mumbai - 400 019.
- 2.0 The case of the complainant may be stated as under :
 - a) The complainant is consumer of the Respondent Distribution Licensee under a/c no. 202-025-553 in respect of the premises, situated at ground floor of the building having address as "Plot no. 462/467 B, shop no. 5, ground floor, Shree Ram Bhuvan, Nathalal M. Parekh Marg, Aurora Cinema, Kings Circle, Matunga, Mumbai - 400 019." She runs restaurant in the said premises.
 - b) According to the complainant, the Respondent has disconnected the electric supply to her premises and has removed the meter. This has been done by the Respondent without due procedure and without even serving any prior notice to the complainant.
 - c) According to the complainant, as the building is going for redevelopment, the builder Mr. Bakul Parekh is harassing the complainant, to pressurize and compel her to vacate her premises without seeking and exercising her rights to negotiate for alternate permanent and temporary accommodation. With such an intention the developer/builder is pressurizing the Respondent's officials to disconnect the electric supply so that the complainant should vacate the premises i.e. shop no. 5 where the complainant is running her restaurant business. According to the complainant, the developer is trying to get the premises vacated without executing permanent accommodation agreement, as per the directions of the MHADA. It is also submitted that at the instance, the builder and the officials of MHADA have asked the officials of the Municipal Corporation of Greater Mumbai (hereinafter it shall be referred to as MCGM) to get the building vacated and to demolish it and the officials of the MCGM have requested the respondent to disconnect the electric supply to the premises. The complainant requested the respondent not to disconnect the supply till she could request the MHADA officials to allow her to make her submissions in the matter. However, the Respondent's officials have removed the electric meter and disconnected the supply to the premises of the complainant without giving pre- intimation about it to the complainant. Therefore, the complainant has requested to direct the Respondent to reconnect the electric supply to the premises of the complainant.
- 3.0 The Respondent/Distribution Licensee has filed reply and opposed the aforesaid grievance of the complainant. The case of the Respondent as stated in their reply as

well as submitted by their representative in the course of hearing, may be stated as under:

- a) According to the Respondent, it had received a letter dtd. 05/05/2022 from MCGM. The said notice in respect of the building namely Shree Ram Bhuvan situated at Plot no. 462/467 B, Nathalal M. Parekh Marg, Aurora Cinema, Kings Circle, Matunga, Mumbai - 400 019 and in the said letter, it was stated that the said building has become dilapidated and dangerous and it has been categorized as 'C1" building. In the said letter, the MCGM had requested the Respondent to send their representative on 09/05/2022 for disconnection of electric supply and remove all meters of the entire building. Accordingly, on 09/05/2022, the joint operation of MCGM and the Respondent had taken place and in that process, the Respondent has disconnected and removed 36 meters and disconnected the supply. On 11/05/2022, the representative of the complainant produced a copy of letter dtd. 10/05/2022 issued by MHADA addressed to the officials MCGM stating that the evacuation formalities of two consumers, including the complainant, in the said building are not completed and hence electric supply and water connection of the premises should be reconnected.
- b) The Respondent has further submitted that the representative of the complainant had assured that he will bring similar letter from MHADA addressed to BEST within two days and submit to BEST FN Ward. On this assurance, the Respondent reconnected complainant's meter on 11/05/2022.
- c) However, the consumer / complainant had failed to submit letter from Executive Engineer, MHADA within next two days.
- d) Then the Respondent received a letter dtd. 17/05/2022 from MCGM stating that due to upcoming monsoon season and present dilapidated condition of the building the letter dtd. 10/05/2022 issued by MHADA for reconnection be treated as cancelled. Therefore, on 18/05/2022, the Respondent disconnected the supply of the complainant's premises.
- e) In view of the above submissions, the Respondent has pleaded that the complainant has no case and, therefore, the complaint is liable to be dismissed.

4.0 We have heard submissions of the parties and noted their submissions as above. In view of the above submissions of the parties and case pleaded by them, the 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 decision of the Respondent to disconnect the supply to the premises of the	Negative

	complainant is illegal and invalid ?	
2	What order is required to be passed to dispose of the complaint/grievance application?	The complaint is liable to be dismissed as is being directed in the operative order being passed herein below.

5.0 We record reasons for aforesaid findings as under:

- a) Admittedly the building belongs to MHADA and the complainant is occupying the premises in question. It is not disputed that the MHADA has taken decision that the building has become dilapidated and it is required to be demolished to avoid loss of life and property. It is also not disputed that MHADA has issued notice to the MCGM that the building is in dilapidated condition and it be demolished. The officials of the MCGM have informed the respondent/BEST Undertaking about the aforesaid decision and have requested to coordinate to execute the said decision and requested for disconnection of the electric supply to the building.
- b) It appears that the disconnection to the premises of the complainant had taken place on 09/05/2022 but immediately thereafter the complainant produced before the respondent a copy of letter dtd. 10/05/2022 issued by MHADA addressed to MCGM. The letter was stating that the connection to the premises of the complainant should be restored. A copy of the letter dtd.10/05/2022 is produced by the complainant before this forum. The case of the Respondent is that in view of such circumstances, the reconnection was made on 11/05/2022 with condition that the complainant shall produced letter addressed by the MHADA addressed to the respondent for restoration of supply of electricity to the premises. The case of the Respondent is further that by the letter dtd. 13/05/2022 MCGM had informed to the MHADA that the decision about disconnection of electricity should be taken by MHADA after consultation with respondent/BEST Undertaking being the Distribution Licensee. The Respondent has also produced a copy letter dtd. 17/05/2022 issued by MHADA addressed to MCGM. In this letter, the MHADA has informed that the letter dtd. 10/05/2022 regarding reconnection of the supply to the premises of the complainant has been cancelled by MHADA. In view of this letter, the Respondent has again disconnected the supply of the premises of the complainant on 18/05/2022.
- c) Thus, we can see from the documents that the reason for disconnection of supply to the premises of the complainant is that the building in question is said to have become dilapidated and dangerous to human life. The respondent, being a Distribution Licensee has a duty to see that supply of electricity should be continued only when all safety measures exist. As the building is declared by the MHADA to be dangerous to life and property, the safety measures do not appear to be any more in existence. In such circumstances, we do not find that the complainant has any case to urge that the action taken by the respondent on 18/05/2022 regarding disconnection of supply is illegal or invalid. We find that the complainant is not entitled for the relief from this

forum to direct the Respondent to reconnect the supply, particularly in view that the authorities of MHADA and MCGM have already decided that the building has become dangerous because of it having become dilapidated. In such circumstances, we hold that the complainant is not entitled for the relief of reconnection as requested by her. Hence, the decision for disconnection taken by the Respondent cannot be found fault with. Accordingly, we have recorded negative finding at point (1).

- c) In view of negative finding at point (1), we hold that the present complaint is liable to be dismissed. Accordingly, we have answered point No.2 and hence we pass the following order.

ORDER

- 1.0 The grievance no. FN-458-2022 dtd. 26/05/2022 stands dismissed.
- 2.0 Copies of this order be given to all the concerned parties.

Sd/-
(Shri. S.S. Bansode)
Technical Member

Sd/-
(Smt. Anagha A. Acharekar)
Independent Member

Sd/-
(Shri S.A. Quazi)
Chairman