



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

1. Smt. Pushpa N. Amin (complainant) is having Pan Shop Next to A.C.C House 121, Maharshi Karve Road, Churchgate, Mumbai - 400 020. She applied for new connection electric supply to the said pan shop, vide requisition no. 1092083 dtd 6-1-2008. As per complainant she carried out the work of building a wall next to her shop as per Respondent's requirement to fix the meter box. Also paid all the dues to the Respondent on 14-9-2009 as per quotation given to her. Thereafter work order was raised by Respondent for execution of the work. As per complainant she approached senior officers of Respondent for redressal of her grievances.
2. Complainant has approached to IGR Cell of the Respondent on 6.1.2010 regarding provision of Electric Supply at above address.
3. Not satisfied with the reply of respondent's IGR Cell, complainant approached to CGR Forum in schedule 'A' format on 8.04.2011.
4. The complainant has requested to the Forum to provide Electric Supply as per her application at the earliest.

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

5. As per respondent they had received an application No. 1092083 dtd. 06.01.2009 from Smt. Pushpa N. Amin for electric supply to temporary bakda type structure located near ACC House, Churchgate alongwith application complainant had submitted temporary hawking License and indemnity bond on Rs.200/- Stamp paper.
6. Respondent states that as per procedure in vogue at that time application of smt. Pushp N. Amin was sanctioned and work order was sent to Respondent's Errection Dept., for laying of cable to the temporary bakda type hawking structure of complainant to enable us to install the meter. However, the work order could not be executed as necessary excavation permission from MCGM was not available.
7. As per respondent complainant's representative was continuously following in this matter. It is understood that the applicant's representative also met Respondent's GM in this regard.
8. Respondent further states that, a letter dtd. 01.07.2010 was sent to Asst. Commissioner, MCGM, 'A' Ward to confirm whether they have issued the License to Smt. Pushpa N. Amin for her bakda at opposite

ACC House, Bldg. No. 121, Maharshi Karve Road, Churchgate and also to confirm whether it is authorized for giving electric supply. To their letter, they have received reply vide letter dtd. 28.07.2010 from Sr. Inspector (License) MCGM 'A' Ward informing that it is not a stall, hence, question of electric connection does not arise. This was informed to complainant vide their letter dtd. 04.08.2010 and it was also informed that complainant's application for electric connection cannot be processed further and would be cancelled.

9. Respondent states that as per Procedure for giving electric connection issued vide respondent's Circular No. ESO/Opex.10/1096/2010 dtd. 10.08.2010 NOC/OC of land lord is necessary for giving electric Supply. In this case, the complainant is unable to submit NOC from MCGM.
10. Further complainant had approached Internal Grievances Cell vide her letter dtd. 06.01.2011 in Annexure 'C' and respondent has replied vide their letter dtd. 04.03.2011 informing their inability to give her electric connection.

**REASONS** :

11. We have heard the representative Shri. Satish Amin for the complainant and respondent Shri. S.B.Doifode, S.M.Jaunjal & D.S. Gosavi at length. Perused papers.
12. At the outset we observe that a joint inspection report dtd. 9<sup>th</sup> May, 2011 placed before this Forum, should give a quietus to the controversy raised before us.
13. In order to explore the possibilities of providing electric connection to the complainant, this Forum during the course of hearing, had directed the officials of the BEST Undertaking to carry out a joint inspection along with the representatives of the complainant. A joint inspection report dtd. 9<sup>th</sup> May, 2011 placed before us manifest that accordingly a joint inspection of the premises under consideration, has been carried out by the Charge Engineer, Mr. Mahendra Shingan of the respondent BEST Undertaking alongwith the representative of the complainant Mr. Satish Narayan Amin on 6-5-2011.
14. The respondent BEST Undertaking has submitted in the joint inspection report that they have considered all the possibilities for providing electric connection to the complainant. However, ultimately the BEST Undertaking was required to reach to a conclusion that no electric connection can be given to the complainant in any circumstances. This Forum on going through this joint inspection report supported with the documents placed on file, find a merit in the same.

15. We find that as suggested by the representative of the complainant, the respondent BEST Undertaking cannot give the electric supply to his open rack stall from the Street Lighting Pole No. QR163/1. Firstly, there is no such system and permission to give such supply and secondly an electric supply on the Street Lighting Pole is available only during night period. We therefore find the respondent BEST Undertaking has rightly turn down such possibility for providing electric supply to the complainant.
16. The representative of the complainant in his argument has emphatically submitted a possibilities for providing electric supply from the near by parsi building. In this connexion we observe that as submitted by the respondent BEST Undertaking and the map placed on file, the distance between the complainant's open stall and the said parsi building service position, has been about 60 meters. Obviously therefore for providing an electric supply to the complainant a cable covering such 60 meters distance needs to be fixed on the compound wall of the parsi building and that of ACC Cement House.
17. We are of the view that for fixing such cable providing electricity on the wall of parsi building and that of ACC Cement House, a permission of the owners of these building, would be required. Besides it, significant to note that the lane in which the open rack stall of the complainant has been located on a footpath, has been used by thousands of pedestrian, for approaching the Churchgate Railway Station and other places. We are therefore in full argument with the anxiety expressed by the respondent BEST Undertaking that considering such heavy pedestrian traffic on this lane, it would not be appropriate and safe for providing such a cable fixing on the compound wall of parsi building and ACC Cement House for 60 meters for providing electric supply to the complainant.
18. The respondent BEST Undertaking has pointed out that it has already approached the authorities of the Bombay Municipal Corporation (for short BMC) seeking its permission for carrying out excavation in the said lane, in order to lay down a service cable for providing electric supply to the complainant as requested by her. However the authorities of the BMC has replied the respondent BEST Undertaking that the complainant has been holding a temporary monthly permission no. 30455 at ACC House, Karve Road, Churchgate Railway Station and therefore no permission can be given for excavation to be carried out in the said lane as no stall has been providing to the complainant, hence she is not entitled for electric connection.
19. In our considered view admittedly the complainant is holding a temporary monthly permission for hawking and sale of articles like Bidi and Cigarettes. The said permission has been purely on temporary basis. As submitted by the BMC it is not a stall. Under such peculiar circumstances we therefore uphold the contention raised by respondent BEST Undertaking that for want of a permission from the authorities of

the BMC no excavation work can be carried out for providing a service cable to the complainant for supplying electricity as requested by her. We therefore find the complainant on this ground being not entitled for getting electric supply from the respondent BEST Undertaking.

20. In the peculiar circumstances as observed above, an attempt has been made by the representatives of the complainant to submit that many of the hawkers having temporary license, are availing an electric supply. Therefore in the same manner an electricity be provided to her. In this regard, we are of a considered view that if at all any group of hawkers are availing an electric supply in breach of the rule and ignoring the safety of the public at large, this Forum therefore cannot direct the BEST Undertaking to provide an electric supply to the complainant in the same manner and as such perpetuate such improper manner and procedure of providing electric supply. On the contrary this Forum would be required to direct the respondent BEST Undertaking to refrain from providing such electric supply in an improper manner to the hawkers, ignoring the rules and safety of public at large.
21. The representative of the respondent BEST Undertaking has submitted before this Forum that in the contingency of authorities of BMC granting a permission to carry out an excavation work in the lane, for laying down the service cable then only it would be possible for providing an electric supply to the complainant. At the cost of repetition we observe that admittedly such permission has not been granted by the authorities of BMC, therefore in our considered view the respondent has rightly rejected an electric supply to the complainant.
22. In the aforesaid observations and discussions we find the instant complaint under consideration being liable for dismissal. Accordingly we do so.

**ORDER** :

1. Complaint no. S-A-116-11 dtd. 11-4-2011 stands dismissed.
2. Copies be given to both the parties.

(Smt Varsha V Raut)  
Member

(Shri S P Goswami)  
Member

(Shri R U Ingule)  
Chairman