

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-D-122-11 dt . 15-6-2011

Z.H.M. Marchan, A.H. Moterwala, A.H.J. Khan,Complainant
N.M. Gulamali, Asim A. M, K.M.A. Shaikh,
A.M. Lala & Tahir Ali Mohammed

V/S

B.E.S.&T. UndertakingRespondent

Present

Quorum : 1. Shri R U Ingule, Chairman
2. Shri S P Goswami, Member

On behalf of the Complainant : 1. Mr. Taheer A. Khan
2. Mr. Javeed
3. Mr.A. Hamid

On behalf of the Respondent : 1. Shri. Sanjay S. Bansode, DECC 'D' ward
2. Shri. G.D. Ubhalkar, AOCC, IGR 'D' ward
3. Shri. K.S. Dandekar, Dy.E, CC 'D' ward

Date of Hearing : 19-07-2011

Date of Order : 04-08-2011

Judgment by Shri. R.U. Ingule, Chairman

Mr. Taheer A. Khan, consumer representative & Z.H.M. Marchan, A.H. Moterwala, A.H.J. Khan, N.M. Gulamali, Asim A. M, K.M.A. Shaikh, A.M. Lala & Tahir Ali Mohammed of Mustafa Manzil, 2nd Peer Khan Street, Mumbai - 400 008 has come before Forum for grievances regarding installation of of new Electric Meter.

Complainant has submitted in brief as under :

- 1.0 The complainants states that we the 8 tenants of Mustafa Manzil (6 old and 2 new) have made applications to the Respondent on 21-01-2011 for the installations of new electric meters for small rooms, the electric supply require to complainant's room is near around 300-500 watt consumption load in their redeveloped building namely Mustafa Manzil, 2nd Peerkhan Street, Nagpada, Mumbai - 400 008, but no action has been taken by the Respondent in the matter so far.
- 2.0 Complainants further states that the said building has been redeveloped and is having 70 tenements. Out of the above 70 tenements 62 meters have been already installed by the Respondent at the request of the Builder. Besides the meters for the water pump, lift and common light have also been provided. As the complainants have been staying at other places due to redevelopment of old building, and having shifted back to newly constructed building. After shifting in new building complainants found that electric supply to their premises were not given, and complainants came to know that Builder had gone away after handing over possession of flats in newly constructed building to the proposed society and as such complainants have to make the applications for meters to their rooms.
- 3.0 Complainants states that their applications were not replied for about 4 months by the respondent authorities. It was only upon filing of 'C' form complaint dtd. 18-04-2011 that a reply dtd 03-05-2011 was received from the Respondent which completely defy the MERC rule regarding the requirement of giving reply to any requisition within 7 days failing but Respondent office not care about complainant's application. Complainants met all concern officer in Respondent offices and Respondent Department gave reply by letter dtd. 3-5-11 and Respondent is asking substation from complainants.
- 4.0 Complainants states that how can it possible to give substation by them, complainants were tenants/occupant of small rooms, complainants meet members of proposed society, they had advised complainants to go builder office. Complainants after meeting with the Builder, builder has advice complainants to meet A grade officer in Respondent Department & discuss about the matter. Complainants further states that builder had managed all the Respondent's concern officer regarding removal of substation remark, and after that Respondent has installed all Electric Meters & provided 300-sqmm high size Electric Main service cable and the officer told complainants that this cable capacity is of 300 KW in residential premises, complainants had taken only 122 KW of load in the building, the other balance load is not in use, why Respondent is not giving to complainants, complainants had discussed about supply to 8 rooms, the Respondent officer promise complainants that Respondent will release balance load.

- 5.0 As per complainants finally they came to conclusion that Respondent will not give Electric Meter. Hence complainants made complaint in the MERC department, because Respondent can not ask sub-station for 8 small rooms. If they require substation then how can Respondent had given the Electric meter of 3 phase and single phase to the building without Sub-station.
- 6.0 As per complainants they require separate Electric meter for their rooms as such complainants were greatly suffering without the electric supply and hereby approached this Hon'ble Authority for appropriate orders.
- 6.1 Complainants further states that if Respondent require substation how Respondent release Higher Size cable of 300-sqmm in the building.
- 6.2 If builder not hand-over substation then how Respondent installed 64 Nos. Electric Meter in the building.
- 6.3 Respondent has kept complainant's application pending about 4 months which is against the Rule of MERC 2003 & 2005.
- 6.4 Respondent has not given reply letter within 7 days as per MERC Rules.
- 6.5 Respondent has not released the balance sanction load of the building.
- 6.6 Respondent withdrawn substation Remark once, then how can they ask substation once again.
- 6.7 When Respondent require substation then why Respondent did not make agreement or indemnity bond with builder before giving Electric Supply.

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

- 7.0 Respondent states that in the year 2006, application of supply of power was received from 'City makers Builders Pvt. Ltd.' In reply to their application Respondent's Superintendent (Sub Station) informed them about all the provision of Substation. NOC and Site plan was also given to the party along with Terms & Conditions of Proposed Substation.
- 8.0 Respondent further states that till date there is no progress for proposed Distribution Sub Station (DSS). The total load of old tenant is 130KW however, 123KW load is released and balance 7KW load will be released after handing over the proposed DSS.
- 9.0 As per respondent complainant complained in Annexure 'C' form on 18-4-2011 for delay in processing connection requisition. Respondent vide their letter dtd. 3-5-2011 informed that delay in processing connection requisition because of pending proposed substation, as and when the site of substation will be made available complainants requisitions will be processed.

- 10.0 Respondent prayed to Hon'ble Forum to dismiss the grievances made by the applicant as the proposed DSS compliances is not fulfilled.

REASONS

- 11.0 We have heard the learned representative Mr. Taheer A. Khan, Mr. Javed & Mr.A. Hamid for the complainant and learned representative Shri. Sanjay Bansode, Shri. G.D. Ubhalkar & Shri. K.S. Dandekar for the Respondent. Perused papers.
- 12.0 At the outset this Forum observe that 8 tenants of Mustafa Manzil, 2nd Peer Khan Street, Mumbai - 400 008 applied for new meter in the redeveloped building. The old building had a service cabin supplying electricity to the original tenants. After the redevelopment all the tenants including the new tenants have been given reconnection except the above 8 tenants needing 300-500 watts each for their residential rooms. Thus, we observe that 62 meters for tenants including 2 nos of common amenities (water pump, lift & common lighting) meters are already installed, out of the total 70 tenements of the said redeveloped building.
- 13.0 This Forum observe that Respondent BEST Undertaking has sanctioned a temporary meter for construction purpose for the said building. As per the prevailing practice we observe that the developer of the said plot was approaching the Respondent every month for extension of the temporary supply. However, at that time in our view Respondent ought to have pressed upon the developer to finalise the DSS case, else the respondent could have disconnected the electric supply & remove the temporary meter. In the instant case we find that the Respondent failed to negotiate & finalise the DSS case & continued to give monthly extension to the temporary meter. Not only the respondent's officials continued to give extension of the temporary meter but also sanctioned the 64 nos of meter as mentioned above & now denied to sanction the meter for remaining 8 nos of tenants who are asking a meager 300-500 watts each for their residences. In the opinion of this Forum, there is no justification to deny the connections to these small numbers of residential tenants, when majority have already been given connections.
- 14.0 This Forum further observe that the Respondent BEST has laid down a service cable of size 300 sq.mm to the said building & released 123 KW load to the old tenants & for common amenities. As per the respondent's record and the observation made by Planning Department, a total of 130 KW can be released from the existing network without establishing a new distribution substation. Therefore it is clear that there is a capacity in balance of 7 KW load. The argument given by the respondent that the balance load will be released after handing over the proposed DSS site, is not sustainable under the principle of Natural Justice. In fact, the remaining 8 nos of tenants may at the most consume only 4 KW of the remaining capacity & not the entire spare capacity of 7 KW.

15.0 In view of the aforesaid observations and discussions we observe that it is totally unjustified on the part of the Respondent to deny providing electric connection to its old consumers, especially when the majority of the tenants have been provided with the electric connection. The reasons submitted by the Respondent to deny electric connection to the complainants, found by this Forum being highly ill founded and unsustainable one. The complaint is therefore liable to be allowed and accordingly we do so.

ORDER :

1. Compliant no. S-D-122-11 dtd. 15-06-2011 stands allowed.
2. The Respondent BEST Undertaking is directed to provide and install meters to the 8 nos of tenants whose requisitions are kept pending, within the limits of spare capacity available in the network.
3. The compliance report be submitted to this Forum within a fortnight from the date of this order.
4. Copies be given to both the parties.

(Shri S P Goswami)
Member

(Shri R U Ingule)
Chairman