

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. N-E-79-09 dt . 15/07/2009

Mr. Mohammed Farooque ShahadatComplainant

V/S

B.E.S. & T. UndertakingRespondent

Present

Quorum
1. Shri. R. U. Ingule, Chairman
2. Shri. S.P. Goswami, Member
3. Smt. Varsha V. Raut, Member

On behalf of the Complainant Mr. Mohammed Farooque Shahadat

On behalf of the Respondent
1. Shri. M.P. Shaji, A.E.C.C. 'E' Ward
2. Smt. Estella F. Jacques, A.O.
3. Smt. P.S. Kirtikar, O.A

Date of Hearing: 21/10/2009

Date of Order : 27/10/2009

Judgment by Shri. R.U. Ingule, Chairman

Mr. Mohammed Farooque Shahadat, Rajput Villa, A-wing, 43-45, Souter Street, Mumbai – 400 008, has come before forum for his grievances regarding electricity connection of A/c No 542-297-003*2.

Brief history of the case

- 1.0 Meter No. L-981231 was existing in the name of Shri. Mohd. Farooque Shahadat Chaudhary for the premises i.e. R.No.201, 2nd Floor, Rajput Villa `A' Wing, Agripada, Mumbai – 400 008, bearing A/c No. 542-297-003*2. The same meter was removed on 17.06.2008 for non-payment of Rs. 16,126/-.

- 2.0 Respondent received a requisition No. 50942387 dated 12.11.2008 from Shri. Mohd. Ilyas Shahadat Chaudhary (brother of complainant) for reconnection of electric supply for the aforesaid premises. During the inspection, it is observed that the premises is in physical occupation of Shri. Mohd. Ilyas Shahadat Chaudhary. Moreover, the name of the applicant is registered in the copy of ration card. The applicant submitted copy of rent receipt No. 11141 dated 16.10.2008 & the paid bill of Rs.16,126/- and also submitted an affidavit in respect of his brother NOC. Since Shri. Mohd. Ilyas Shahadat Chaudhary has complied respondent's requirements; Meter No. U089964 was installed on 26.02.2009 for the above premises.

- 3.0 Meanwhile, Shri. Mohd. Farooque Shahadat Chaudhary (the complainant) had also registered a requisition No. 50943399 dated 04.02.2009 for the aforesaid premises. The same requisition was cancelled on 02.03.2009 due to the existence of Meter No. U089964 for the aforesaid premises.

- 4.0 Shri. Mohd. Farooque Shahadat Chaudhary made a complaint under Annexure `C' dated 06.03.2009 stating that his brother Mohd. Ilyas Chaudhary has taken the meter by submitting bogus documents and that a legal dispute is pending in the City Civil Court. In response to the complaint under Annexure `C', respondent replied vide letter No. CC/IGR-E/Annexure-C/11368/2009 dated. 04.05.2009 informing complainant that his case involves legal issue, they are in process of seeking the legal opinion.

- 5.0 After receipt of complaint from Shri. Mohd. Farooque Shahadat Chaudhary dated. 06.03.2009 under Annexure-C, and vide other letters dated. 01.04.2009, 24.04.2009, respondent asked Shri. Mohd. Ilyas Shahadat Chaudhary to produce the original documents submitted by him at the time of compliances of requisition No. 50942387 dated 12.11.2008 vide respondent's letter dated 13.03.2009, 02.04.2009. However, Mohd. Ilyas Shahadat Chaudhary submitted a letter on 08.05.2009 wherein he has stated that he is original occupant of the aforesaid premises and submitted the copy of gift deed duly registered. However, he denied to produce any affidavit and failed to submit original documents.
- 6.0 Since, Shri. Mohd. Ilyas Shahadat Chaudhary failed to submit the original documents, the matter was referred to Chief Legal Advisor (CLA) on 14.05.2009 for his advice to proceed further in the case. CLA has suggested to maintain the status quo for the present and dispute regarding occupation of the premises may be sorted out by both the applicants through competent court. Since, Shri. Mohd. Farooque Shahadat Chaudhary approached to the Chief Engineer Customer Care of BEST, (CECC) vide his complaint letter dated 17.06.2009, the then CECC has instructed to transfer the meter in the name of Shri. Mohd. Farooque Shahadat Chaudhary, previous meter holder and paper to be filed after change of name is effected.
- 7.0 Therefore, the Meter No. U089964, A/c No. 542-297-049 has been transferred in the name of Shri. Mohd. Farooque Shahadat Chaudhary on 09.07.2009 and sent to EDP Department for effecting the change of name in the name of Shri. Mohd. Farooque Shahadat Chaudhary.

**Complainant in his application and during
Hearing stated the following**

- 1.0 Complainant states that he & his brother Mohammed Ilyas both live together in the same house. But the meter was on his name. He asked his brother to pay half payment of electricity bill but he refused.

- 2.0 Due to non-payment of electricity bill his electricity connection was disconnected on 16th April, 2008. After that on 16th June, 2008 meter was also disconnected. He said that he is staying without light and his brother is taking electric supply from his neighbour by giving him some payment.

- 3.0 He said that BEST dues were paid on 15/9/2008. On 12/11/2008 his brother gave requisition for electric supply vide his requisition no. 50942387 by submitting bogus documents in the BEST. On 26th February, the electricity line which his brother took from his neighbour was disconnected.

- 4.0 On the same day, a new meter was allotted to his brother by submitting bogus documents. He also gave requisition for electricity connection on 4/2/2009, requisition no. 50943399. Both requisitions were pending but his brother's requisition was passed on 9/2/2009.

- 5.0 He said that without his NOC his brother got a new meter and till now he doesn't have a meter. He further said that he is staying without light till date.
- 6.0 Complainant requested the Forum to give him a new meter and cut his brother's meter as he has taken by submitting bogus documents.

During the Hearing :

- 7.0 The complainant reiterated all the points given in his written statement. He said that at present the meter is transferred in his name but still he doesn't have electricity. At present his brother is getting electricity. He requested for installation of the meter at the original place of old meter so that he could get electricity. Respondent should do the installation wiring at his premises in such way that he will get an electricity. He said that earlier meter was 3 phase now the meter is single phase. He had applied for reconnection of single phase meter. He is not willing to apply for 3 phase meter as the load requirement is not adequate. He said that his brother is not allowing him to take electric supply from the main switch for the rooms presently he is occupying. He requested respondent's help in this matter. Respondent while giving meter to his brother did not verify the original documents. His fresh prayer before the forum is to install a meter at its earlier place in such a way he will get an electric supply. He has asked regarding action taken on his brother in the matter of fraudulent document submitted by him for getting the electric connection. If separate meters for him & his brother is given then it will be highly appreciated. He has filed a suit in the Bombay City Civil Court against his brother for permanent order & injunction of the City Civil court from dispossessing him without following the due process of law. City Civil court has already passed an interim order dtd. 20/8/2008 in his favour restraining his brother illiyas Shahadat Chaudhary from dispossessing him except by the processing of law.

BEST in its written statement and during Hearing stated the following:

- 1.0 Meter No. L-981231 was existing in the name of Shri. Mohd. Farooque Shahadat Chaudhary for the above premises bearing A/c. No.542-297-003*2. The same meter was removed on 17.06.2008 for non-payment of Rs.16,126/-.

- 2.0 We received a requisition No. 50942387 dated 12.11.2008 from Shri. Mohd.Ilyas Shahadat Chaudhary for reconnection of electric supply for the above premises. The applicant submitted copy of rent receipt No.11141 dated 16.10.2008 and an affidavit along with requisition. The applicant also paid the arrears bill of Rs.16,126/-. Hence, Meter No. U089964 was installed on 26.02.2009 for the above premises.

- 3.0 During our inspection of the premises, it is observed that the premises is in physical occupation of Shri. Mohd. Ilyas Shahadat Chaudhary. Moreover, the name of applicant is registered in the copy of ration card.

- 4.0 Meanwhile, Shri. Mohd. Farooque Shahadat Chaudhary had registered a requisition No. 50943399 dated 04.02.2009 for the aforesaid premises. The same requisition was cancelled on 02.03.2009 due to the existence of Meter No.U089964 for the aforesaid premises.

- 5.0 Shri. Mohd. Farooque Shahadat Chaudhary made a complaint under Annexure-C dated 06.03.2009 stating that his brother Mohd. Ilyas Chaudhary has taken the meter by submitting bogus documents and that a legal dispute is pending in City Civil Court. In response to the complaint, we replied vide letter No. CC/IGR-E/Annexure-C/11368/2009 dated 04.05.2009 informing him that, since his case involves legal issue, we are in process of seeking the legal opinion.

- 6.0 From scrutiny of documents, prima facia it appears that the affidavit with reference to NOC of Shri. Mohd. Farooque Shahadat Chaudhary submitted by Shri. Mohd. Ilyas Chaudhary appears to be fraudulent.
- 7.0 After receipt of complaint from Shri. Mohd. Farooque Shahadat Chaudhary, we asked Shri. Mohd. Ilyas Shahadat Chaudhary to produce the original documents submitted by him at the time of compliances of requisition No. 50942387 dated 12.11.2008 vide our letter dated 13.03.2009 and 02.04.2009.
- 8.0 Subsequently, Mohd. Ilyas Shahadat Chaudhary submitted a letter on 08.05.2009 wherein he has stated that he is original occupant of the aforesaid premises and submitted gift deed duly registered. However, he denied to produce the original affidavit submitted by him at the time of compliance.
- 9.0 Matter was referred to Chief Legal Advisor on 14.05.2009 for his advice to proceed further in case. Chief Legal Advisor has suggested to maintain the status quo for present and dispute regarding occupation of the premises may be sorted out by both the applicant through competent court.
- 10.0 Meanwhile, Shri. Mohd. Farooque Shahadat Chaudhary approached Chief Engineer Customer Care vide his letter dated 17.06.2009. Then Chief Engineer Customer Care instructed to transfer the meter in the name of previous meter holder (revert back) in lieu of undertaking given by Shri. Mohd. Ilyas Chaudhary.
- 11.0 Therefore, the Meter No. U089964, A/c No. 542-297-049 has been transferred in the name of Shri. Mohd. Farooque Shahadat Chaudhary previous meter holder on 09.07.2009 and the change is being effected in the electricity bill in due course. The said transfer has been effected in the name of Shri. Mohd Farooque Shahadat

Chaudhary on receipt of the 'Change of Name Requisition' alongwith the documents. This mean that the applicant was aware that what is done is only a change of name and which has been accepted by him.

- 12.0 Shri. Mohd.Farooque Shahadat Chaudhary was informed vide our letter No. CC/IGR-E/Annex-C/19568/2009 dated 16.07.2009 regarding the transfer of meter in his name.
- 13.0 The internal dispute between two parties regarding usage of electricity in the premises must be sorted out by the parties and the BEST cannot be drawn into the dispute nor can the BEST do anything about it.
- 14.0 We have already reconnected the electric supply to the premises under reference i.e. R.No.201, 2nd Floor, Rajput Villa, 'A' Wing Agripada, by installing Meter No. U089964 on 26.02.2009. Now the name of the A/c holder has been transferred from Mohd.Ilyas Chaudhary to Shri. Mohd. Farooque Shahadat Chaudhary w.e.f.16.07.2009. The intimation of transfer of meter is communicated to Shri. Mohd. Farooque Shahadat Chaudhary vide our letter No. CC/IGR-E/Annex-C/19568/09 dated 16.07.2009.

During the Hearing :

- 15.0 The complainant reiterated all the points given in his written statement. Further said that meter is transferred in the name of complainant. As the premises are same only one meter can be installed as per the procedure in vogue. Requisition of the complainant was cancelled as at one premises two separate meters cannot be installed. As per clause no. 2.9 of BEST's Terms & Conditions of supply and schedule of charges in case documents are found fraudulent at later stage, consequences shall be borne by the consumer. Respondent is not responsible for the internal wiring of the consumer. He is responsible to give electric supply to the

consumer upto the main switch. After main switch electrical wiring is required to be done by the consumer.

Observations

1. Complainant's meter was removed on 17/6/2008 for non payment of Rs.16,126/-. Respondent received a requisition dtd. 12/11/2008 from Shri. Mohd. Ilyas Chaudhary (brother of the complainant) who is staying in the same premises with respondent. After complying respondent's requirements' meter no. U089964 (Single phase) was installed in the name of Shri . Mohd. Ilyas Chaudhary on 26/2/2009 at the said premises.

2. On 4/2/2009 vide his requisition complainant approached respondent for reconnection of Electric Supply at his premises. However, as the meter was already existing at his premises his requisition was canceled. On 6/3/2009 complainant approached respondent's Internal Grievances Redressal Cell informing that his brother has taken the meter by submitting bogus documents & a legal dispute is pending in the City Civil Court.

3. On 8/5/2009 Shri. Mohd. Ilyas Chaudhary (brother of complainant) submitted a copy of the gift deed duly registered. However, he failed to submit original document.

3. After taking Legal Aspect into the consideration respondent decided that status quo be maintained for the present & dispute regarding occupation of the premises of the consumer be sorted out by both the applicants through competent court.

5. Shri. Mohd. Ilyas Chaudhary (brother of complainant) failed to produc the original of the documents submitted at time of application for Electric Connection. Therefore on 09.07.2009 the respondent

transferred meter no. U 089964 in the name of complainant after receipt of application for change of name from him and after fulfilling the due compliances.

6. There is a court case pending in the city civil court regarding the dispute of occupation of the premises between the complainant & his brother. The City Civil court Bombay, has already passed an interim order dtd. 20/8/2008 in his favour restraining his brother Ilyas Shahadat Chaudhary from dispossessing him except by the process of law.
7. Complainant during the hearing stated that the meter installed earlier at his premises was of 3 phase, now it is replaced by single phase. His brother is not allowing him to take electric supply from the same. Hence, complainant requested that the meter be installed at the original place of the old meter so that he could get the electricity for rooms he is occupying presently.
8. As per the procedure in vogue respondent has given electric supply to the complainant upto the point of supply /main switch. The complainant is responsible for installation of wiring further to the main switch.

As per clause No. 2.1(t) of MERC (Electric Supply Code & Other Conditions of Supply) Regulations, 2005, "**Point of Supply**" means the point at the outgoing terminals of the Distribution Licensee's cutouts fixed in the premises of the consumer.

As per clause No. 9 of MERC (Electric Supply Code & Other Conditions of Supply) Regulations, 2005, The work of wiring at the premises of the consumer beyond the point of supply shall be carried out by the consumer and shall conform to the standards specified in the Indian Electricity Rules, 1956 until the introduction of any rules or regulations for the same under the provisions of the Act.

9. We thus find that the Respondent licensee has discharged its duty envisaged u/s 43(1) of the Electricity Act, 2003. We therefore for the foregoing reasons find the complaint preferred before us by the Complainant being devoid of any merit and the same therefore liable to be dismissed.

10. Before we part with this judgement we may observe that the present problem being faced by the Complainant has been cropped up from the family disputes, the Complainant is having with his younger brother. The same can be mitigated as far as the present complaint is concerned, by the complainant's applying for three phase electric meter. The said suggestion made to the complainant by this forum however found the reluctance on the part of the Complainant.

ORDER

1. The complaint stands dismissed.

2. Copies of this order be served on both the parties.

(Shri. R.U. Ingule)
Chairman

(Shri.S.P.Goswami)
Member

(Smt. Varsha V. Raut)
Member

