

**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-B-114-11 dt . 17-2-2011**

Mr. Munna Kudia .....Complainant

V/S

B.E.S.&T. Undertaking .....Respondent

**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. Taheer A. Khan

On behalf of the Respondent : 1. Shri. R.R.Patil, Supdt CC 'B' ward  
2. Shri. M.K. Kadam, OSCC 'B' ward

Date of Hearing : 24-3-2011

Date of Order : 8-4-2011

**Judgment by Shri. R.U. Ingule, Chairman**

Mr. Munna Kudia, Room No. 601, Bldg No.225/227, Vinija Bhavan, Samuel Street, Masjid, Mumbai - 400 003 has come before Forum for grievances regarding sanctioning of new Electric Meter.

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

1. The complainant states that he had made an application for installation of new electric meter dtd. 27-10-2010 bearing application no. 24236, but so long time has been passed but still his application is pending with Respondent's Customer Care 'B' Ward. He had furnished all the documents as they are required. He said that Respondent's Customer Care 'B' ward did not put eye on his application.
2. The complainant further states that he had meet every Respondent's concerned officer for his matter. He had given a complaint letter to Respondent's Divisional Engineer on 15-12-2010. He further states that he had also given complaint to G.M. of Respondent on 20-1-2010. He said that he had also given complaint in Annexure 'C' form on 21-1-2011. He said that he had received reply on 2-2-2011 in that Respondent said to the complainant that they have put their application for BMC. Complainant further states that he is not satisfied with the reply.
3. The complainant states that he had given letter to Respondent's Divisional Engineer about his problems on 7-2-2011. But still no progress had been done in complainant's application, by the Respondent. Complainant said that last time he had enquired on 11-2-2011 his application was still pending. Complainant did not understand why respondent officer do not follow MERC rules and Electricity Act, 2003 & 2005.
4. The complainant states that he is paying heavy loss in his business because of no electricity supply in his office, but Respondent's officers do not understand Complainant's problem. Complainant do not understand why respondent's officers are harassing him so much. Complainant further states that when he think about the losses of his business, he get mentally disturbed.
5. The complainant requested Hon'ble Forum to put on eye on the Respondent's officers and take a strict action by putting heavy fine on respondent's officers so that respondent officers will not do the same with anyone else next time. Complainant requested Hon'ble Forum to ask respondent to sanction his application & install new Electric meter.

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

6. Respondent states that complainant Shri. Munna Kudia registered Requisition No.24236 on 27/10/2010 for the premises at Gala No.601, 6<sup>th</sup> floor, Bldg No.225/227, Vinija Bhavan, Samuel Street, Masjid, Mumbai - 400 003. Respondent further states that the complainant submitted receipt dtd.10/05/2010 for the month of May 2010 issued by Mohd. Umer Ibrahim Lakadawala & Mohd. Mehraj Abdul Gafar, copy of letter from BMC Assessor and Collector No.AAKC/05 of 2009-2010 in the name of Smt.V.N.Gandhi & two others alongwith list. This list shows only one Gala on 6<sup>th</sup> terrace floor in the name of Mohammed Arif Usman.

7. Respondent further states that as per respondent's site investigation entire 6<sup>th</sup> floor is newly constructed and there are nine premises on 6<sup>th</sup> terrace floor. Respondent said that they have sent letter no.CCB/DECCB/65401/2011 dtd.19/01/2011 to Asst. Assessor & Collector, BMC 'B' Ward, Mumbai-400003 to verify the Inspection extract for the year 2009-2010 for property bearing 'B' Ward No.1588 situated at 225/27, Samuel Street, Mumbai-400003. Respondent further states that they have received reply for the same on 04.03.2011. Respondent informed the status of the case to Shri. Munna Kudia vide their letter no.DECCB/AOCCB/CGRF/9804/2011 dtd. 07/03/2011.
8. Respondent further states that as per their records Grd.floor Galas are numbered as 01, Mezanine floor as 101, 1<sup>st</sup> floor as 201, 2<sup>nd</sup> floor as 301, 3<sup>rd</sup> floor as 401, 4<sup>th</sup> floor as 501 & 5<sup>th</sup> floor as 601. Therefore, the 6<sup>th</sup> terrace floor galas should be numbered accordingly. There are nine galas on the 6<sup>th</sup> (Terrace floor) out of which for one gala the complainant have asked for electric supply. But the complainant have not submitted BMC occupation certificate. The copies of document enclosed at Sr.No.5 were sent to BMC 'B' Ward for verification of inspection extract for the year 2009-2010. Respondent states that the Asstt. Assessor & Collector of BMC 'B' Ward vide their letter dated 24.02.2011 informed the respondent that the aforesaid documents were not inspection extract papers. Respondent said that BMC's letter is enclosed at Sr.No.11 for information please.
9. As per Respondent the BMC Occupation Certificate was required to process the requisition and secondly required inspection extract papers verified by BMC 'B' Ward Authority.
10. Respondent is requesting the Hon'ble Forum to direct the complainant to submit BMC Occupation Certificate as well as inspection extract papers verified by BMC Authority to prove the authenticity of the Gala no. 601 on 6<sup>th</sup> floor.

#### REASONS

11. We have heard the learned representative Shri Taheer A. Khan for the complainant and representatives Shri R.R.Patil & Shri M.K.Kadam for the respondent BEST Undertaking. Perused documents.
12. We observe that admittedly the complainant had submitted a requisition no.24236 on 27-10-2010 for Gala no 601, requesting Respondent BEST Undertaking for providing electric connection. There upon the Respondent had carried out a site investigation to find the entire 6<sup>th</sup> floor was newly constructed having 9 premises. The Respondent BEST Undertaking therefore insisted upon the complainant to submit an inspection extract papers verified from the BMC Authority for proving the authenticity of the premises allegedly occupied by the complainant.

13. We further find that initially the complainant could not produce the inspection extract papers verified from the BMC Authority, therefore no electric connection was provided by the Respondent BEST Undertaking. In our considered view no blame can be ascribed to the Respondent BEST Undertaking for its such denial to provide electric connection to the complainant, as "occupation" of the premises envisaged u/s 43 of the Electricity Act 2003, has been obviously authorized and legal one.
14. However, during the pendency of the hearing of the complaint under consideration, the complainant has placed before this Forum the said inspection extract in respect of the premises located on the terrace floor i.e. the 6<sup>th</sup> floor. As submitted by the learned representatives for the Respondent BEST Undertaking it has provided the electricity connection till 5<sup>th</sup> floor and was awaiting the documents proving the authenticity of the premises on the 6<sup>th</sup> floor i.e. the terrace floor.
15. Now as the documents sought by Respondent BEST Undertaking vide its letter dated 1<sup>st</sup> March, 2011 addressed to the Asst. Assessor & Collector of the BMC, has been placed on file by the complainant as observed above, we do not find any hurdle in existence, for denying a new electric connection to the complainant. We may observe at this juncture that the Respondent BEST Undertaking while replying complaint filed by the complainant in 'C' Form dated 21-1-20 also insisted upon submission of such inspection extract verified by the Asst. Assessor & Collector. To reiterate the said compliances has been done by the complainant. To conclude we find the complainant being entitled for getting an electric connection as requested by him vide his requisition submitted to the Respondent BEST Undertaking.
16. In the aforesaid observations and discussions the complaint is liable to be allowed and accordingly we do so.

**ORDER** :

1. The complaint no. S-B-114-11 dtd. 17-2-2011 stands allowed.
2. The Respondent BEST Undertaking has been directed to provide electric connection to the complainant as requested by him vide his requisition no. 24236 dated 27-10-2010 and to report compliance within period of two weeks there from.
3. Copies be given to both the parties.

(Smt Varsha V Raut)  
Member

(Shri S P Goswami)  
Member

(Shri R U Ingule)  
Chairman