

		Date	Month	Year
1	Date of Receipt	18	01	2022
2	Date of Registration	20	01	2022
3	Decided on	15	03	2022
4	Duration of proceeding	54 days		
5	Delay, if any.	—		

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

Review Application to review the order dt. 07.12.2021 in
Grievance No. GN-003-2021 (Review no. R-GN-003-2021dtd. 20/01/2022)

B.E.S.&T. UndertakingReview-Applicants/Original Respondent

V/S

Samira Akhtar Husain KhanNon-applicant/Original Complainant Respondent

Present

Chairman

Coram : Shri S.A. Quazi, Chairman

Members

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

On behalf of the Review Applicant/Original Respondent : Shri B.S. Vahut

On behalf of the Respondent/Original Complainant : Shri Ishtiyag A. Shaikh

Date of Hearing : 07/03/2022

Date of Order : 15/03/2022

Judgment

- 1.0 In this review application, the applicant (Original Respondent) has requested to review the judgment dt. 07.12.2021, passed by this forum in the Portal-Grievance No. 003/2021, whereby the Grievance Application of the respondent herein/original complainant came to be allowed in terms of the said order. For the sake of convenience hereinafter, the parties to this Review Application shall be referred by their nomenclatures as given in the original proceeding in Grievance Application bearing Portal-**Grievance No. GN-003-2021**.
- 2.0 The grievance mentioned in the said Portal-**Grievance No. GN-003-2021** was about respondent's decision of cancelling its order for new connection. The complainant had requested this Forum to direct the Respondent/BEST Undertaking to install the meter and to provide the electricity to the premises of the complainant, as per the sanction order. The case of the complainant mentioned in the said Portal-**Grievance No. GN-003-2021**, may be stated as under :
- a) Customer Care SIMHA Department (supply through independent meter in hutment area) of Wadala, Mumbai, is the competent authority, to which application for new connection is required to be submitted. Accordingly, the complainant has followed due procedure for submitting her application to the said sanctioning authority of the respondent/Licensee. Respondent's said sanctioning-department allowed the said application for new connection and issued sanction order dt. 20/10/2021. As per that sanction order and on the demand of the respondent, the complainant has paid to the respondent the amount of Rs. 2,000/- towards connection fees and Rs. 2,500/- towards security on or about 21/10/2021.
 - b) The respondent has not provided electricity to the complainant so far, as according to the respondent, on 25/11/2021, DCECC(NE) (Dy. Chief Engineer Customer Care North Erection) of the respondent has issued letter to the Supt. Customer Care SIMHA Department (supply through independent meter in hutment area) of Wadala, Mumbai, to withhold the new connection, as the LV network is overloaded, and, therefore, the sanction-order has been cancelled.
 - c) The representative of the complainant has submitted that the respondent has not shown that the said authority had no powers or authority to take decision on complainant's application for new connection. Once the said competent authority sanctioned the new connection as above, the respondent is not entitled to cancel the sanction order.
 - d) It is also submitted by the representative of the complainant that the alleged problem of overloading is being pointed out by the respondent since the year 2016, but even

thereafter, number of new connections have been given. After sanctioning new meter-connection to the premises of the complainant, it is not reasonable on the part of the respondent to point out the said problem as if the problem would be aggravated only because of giving new meter-connection to the premises of the complainant. Thus, the complainant has strongly opposed the case that the respondent is entitled to cancel the sanction order and to refuse to execute the sanction order and to refuse to give and to install new meter-connection to the premises of the complainant, under the pretext of overloading of the LV network.

- e) According to the representative of the complainant, it is the responsibility of the respondent/licensee to make all necessary arrangements to provide electricity to every individual person if he is eligible to get electricity connection. In the instant case, the respondent/licensee's competent authority has already sanctioned complainant's application for new connection. It means decision on eligibility of complainant to get the new electricity connection has already been taken. Now the respondent cannot withhold the new connection under the pretext of overloading of the LV network. In the said Portal-**Grievance No. GN-003-2021**, the complainant has, therefore, requested this Forum to direct the Respondent/BEST Undertaking to install the meter and to provide the electricity to the premises of the complainant, as per the sanction order.

3.0 On hearing both the parties, this Forum has decided the said Portal-**Grievance No. GN-003-2021**, by its reasoned order dt. 07.12.2021. By the said order, the Respondent / Licensee/Undertaking is directed to withdraw its cancellation order dt. 16/11/2021, to restore its sanction-order dt. 06/10/2021 and to provide new electric connection to the premises of complainant by installing meter as per the said sanction order of the respondent, within 15 days from receiving the said order of this forum.

4.0 In the instant review application the Respondent/BEST Undertaking/licensee has requested to review the said order dt. 07.12.2021. In this Review Application, the contentions, as made by the Respondent/BEST Undertaking and made by their representative in the course of hearing, may be summarized as under:

- a) Respondent/BEST Undertaking could not produce some relevant documents earlier when said Portal-**Grievance No. GN-003-2021 was heard** before this Forum.
- b) Those documents are the Correspondence carried out by maintenance department of the BEST Undertaking with the Municipal Corporation of Greater Mumbai (MCGM). According to the Respondent/BEST Undertaking, these documents of correspondence show that in Dharavi area, the land belongs to either MCGM or Collector. To have a space to establish distribution sub-station, in order to provide quality and un-interrupted electric supply, licensee is fully dependent on the MCGM or Collector. The Respondent Undertaking is continuously following up the matter with MCGM in this

regard. The correspondence made in this regard since July 1009 is said to be placed at page No. 17/C to 39/C.

- c) There are three proposals to improve the network in the area of Dharavi. They are: (1) To establish additional transformer and this is held up as access is encroached and unless MCGM removes the encroachment, the respondent cannot proceed with the work of establishment of additional transformer, (2) To establish additional transformer at Banwari Compound DSS, and the respondent has proposed to install it by converting the existing structure in 2 tier, however it requires space, which is yet not available, and (3) To establish new DSS in Sanaullah Compound and for this also the MCGM has not made available the required space.
- d) Loading of transformers at Dharavi Road DSS and Banwari Compound DSS was 1395 Amp. (62%) and 1135 Amp.(51%) respectively in the year 2016, as per the documents placed at page 41/C to 43/C. As there was some spare capacity to release the load, the respondent had sanctioned the new connections in this area from the year 2016, though Dharavi road DSS scheme was pending. As existing transformer gets overloaded in the course of period, the respondent has stopped releasing load in this area. Present load of Dharavi road DSS and Banwari Compound DSS is 1760 Amp.(80%) and 2220Amp. (99%) respectively as shown in the documents placed at page 45/C to 47/C.
- e) Thus the requisition of the complainant for new connection was sanctioned by the respondent inadvertently.
- f) According to the respondent, as contended in this review application, releasing further load in the said area will deteriorate quality of electric supply in the area.

There is continuous break-down in this area as under :

Year	Distributor fault	Fuse Blown
2019	30	131
2020	18	33
2021	16	183

- g) In the aforesaid circumstances, the respondent is unable to release the entire requisitioned load due to network capacity constraint and therefore it has released lighting load in two number of cases in the aforesaid area. It is submitted that the respondent has requested in this review application that this forum may consider to allow the respondent to release the lighting load only in the instant case and balance load for this premises may be allowed to be released after strengthening of the network in this area. The respondent assures in this regard.

5.0. In response to the above contentions of the Respondent/BEST Undertaking, the Complainant's representative has appeared and has made his oral submissions and he

has strongly opposed the above case of the respondent. He has submitted that according to respondent, since the year 2016, the respondent is pursuing the matter for seeking space for establishing additional transformers to improve the network in the area, but it is not their case that since the year 2016 giving new connections is completely stopped. It is submitted that no new case or evidence is brought by the respondent to review and to modify the earlier order of this forum. It is submitted that only to delay the electric connection to complainant, this review application has been filed before this forum. Hence it submitted by the representative of the complainant that this review application is liable to be rejected.

- 6.0 Considering the rival contentions of the parties 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 documents now produced and contentions raised in the review application by the respondent/BEST Undertaking make out a case for reviewing and for modifying the order dt. 07.12.2021 passed by this Forum?	In negative
2.	What order should be passed on the Review application?	The Review Application is rejected.

7.0 We record reasons for aforesaid findings as under:

- a) It may be noted that on hearing both the parties, this Forum has decided the said Portal-Grievance No. GN-003-2021, by its reasoned order dt. 07.12.2021. By the said order, the Respondent / Licensee/Undertaking is directed to withdraw its cancellation order dt. 16/11/2021, to restore its sanction-order dt. 06/10/2021 and to provide new electric connection to the premises of complainant by installing meter as per the said sanction order of the respondent, within 15 days from receiving the said order of this forum.
- b) The present review application seems to be based on the contention that the respondent had not produced the documents of correspondence carried out by the officials of the respondent to the officials of MCGM and to the collector to provide space:- (1) to establish additional transformer and this is held up as access is encroached and unless MCGM removes the encroachment, the respondent cannot proceed with the work of establishment of additional transformer, (2) to establish additional transformer at Banwari Compound DSS, and the respondent has proposed to install it by converting the existing structure in 2 tier, however it requires space, which is yet not available, and (3) To establish new DSS in Sanaullah Compound and for this also the MCGM has not made available the required space. However, the respondent has not given any genuine reason as to why these correspondences could not be

produced earlier at the time when the said Portal-**Grievance No. GN-003-2021** was heard when the respondent had sufficient opportunity to produce these documents.

- c) Even if the respondent is allowed to produce the above documents of correspondence, as referred to in para 1 and 3 of the instant review application, (at page 11/C to 39/C and 41/C to 47/C, these documents do not inspire us to take a view different than that we have taken in our order dt.07/12/2021 passed in the said Portal-**Grievance No. GN-003-2021**. The documents at page 11/C to 16/C are about complainant's application for electric connection and respondent's response to it. The other documents are copies of letters issued by the BEST Undertaking to the Asst. Mun. Comm., MCGM which are dt 27.7.2009, 20.4.2010, 28.12.2012, 10.12.2013, 21.9.2018, 17.3.2020, 22.1.2021 and 25.2.2021. These documents at page 17/C to 36/C. In these correspondences, it appears that the respondent BEST Undertaking has requested to the MCGM to remove the encroachment and to provide space in the areas of Dharavi, Banwari compound and Sanaulah compound to improve the better conditions of electric supply network in region. At page 37/C to 38/C, is copy of letter dt.04.01.2022, issued by Div. Engineer, planning, of Respondent, addressed to the Paradise Resi. Co-operative Housing Society of Dharavi, informing them that with difficulties only, in the area adm.20 sq. meters of the society, outdoor sub-station could be established to provide electricity to the area of the society. At page 39/C to 40/C, is copy of letter dt.04.01.2022, issued by Div. Engineer, planning, of Respondent, addressed to the Hydraulic Engineering Dept., informing them that as per site inspection plan S/PL-(2018) 32, some space belonging to the MCGM is available and accordingly request has been made in this letter that MCGM may provide this space to the respondent Undertaking for establishing transformer DSS to address the grievances of electric supply consumers residing at Sanaula Compound and nearby area about frequent disruption of electric supply. At page 41/C and 45/C the maps show that the maximum load drawn in 2015 in Dharavi was 1395 and in 2019 it was drawn 2220. At page 43/C and 47/C the maps show that the maximum load drawn in 2015 in Banwari compound was 1135 and in 2019 it was drawn 1760. It may be noted that in the order dt.07/12/2021, we have observed that the problem of disruption in the network of supply is being faced since the year 2016 and still thereafter the respondent had been giving new connections in the area of Dharavi though the respondent has been pursuing the MCGM to make available space for establishing new sub-stations and transformers. If such is the position, we have already observed that no difference it would make if one more connection to be given to complainant is added in the existing connections. Therefore, we do not find that the aforesaid documents would be relevant to take a different view than the one we have already taken in our order dt.07/12/2021 passed in the said Portal-**Grievance No. GN-003-2021**.
- d) The respondent's representative has submitted that recently in two numbers of other cases, the respondent has released lighting load in the area and hence the respondent may be allowed to release only lighting load to the complainant, instead of the load inadvertently sanctioned to the complainant earlier. The representative of the

complainant has strongly opposed this submission made on behalf of the respondent. He has submitted that he has already paid to the respondent for the sanctioned load and the sanctioned load is the necessity of the complainant to run the commercial establishment, for which he has applied for the supply. We have examined these submissions of the parties but we do not find substance in the submission of the representative of the respondent, because had there been seriousness in their contentions about acute problem of network, they would not have released any sort of supply in the other two recent cases. For these reasons we hold that at least in the cases where already supply has been sanctioned, like the present case, it is not fair on the part of the respondent undertaking to withdraw the sanction order.

- e) In the light of the above reasons we hold that the aforesaid documents produced by the respondent, in the review application, do not affect the findings arrived at by the forum in its order dt.07.12.2021. Hence we have recorded negative findings on point No. 1.
- f) For all the above reasons, we hold that the review application is liable to be rejected. Accordingly we have answered point No.2. Hence, we pass the following order.

ORDER

- 1.0 The review application No. R-GN-003-2021 filed by the Respondent in the said **Portal-Grievance No. GN-003-2021** is rejected.
- 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