

		Date	Month	Year
1	Date of Receipt	01	08	2025
2	Date of Registration	01	08	2025
3	Decided on	08	08	2025
4	Duration of proceeding	07 days		
5	Delay, if any.			

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
B.E.S. & T. UNDERTAKING

(Constituted under section 42(5) of the Electricity Act 2003)

Ground Floor, Multistoried Annex Building,
BEST's Colaba Depot
Colaba, Mumbai 400 001
Telephone No. 22799528

Grievance No.R-D-521-2025 dtd.01/08/2025

B.E.S.&T. Undertaking(Review Applicant / Respondent in original grievance Application no.D- 521-2025)

V/S

Mr. Aasim Obed Ur Rehman Gazdar(Respondent /Complainant in original grievance Application no. D-521-2025)

Present Coram : Hon'ble Chairman (CGRF) : Mr. M.S. Gupta

Hon'ble Independent Member : Mrs. A. A. Acharekar

Hon'ble Technical Member : Mr. J.W. Chavan

On behalf of the Review Applicant Complainant (Original Respondent) : Mr. P.R. Patil, Assistant Engineer Customer Care 'D' Ward

On behalf of the Respondent (Original Complainant) : Mr. Aasim Obed Ur Rehman Gazdar

Date of Hearing : 06/08/2025

Date of Order : 08/08/2025

Judgment

- 1.0 This is a review application under clause 10.0 of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2020 (MERC (CGRF & EO) Regulations, 2020). This review application is filed by the BEST Undertaking / the Distribution Licensee with a request to review the Order dtd. 23/07/2025 passed by this Forum in grievance application no. D-521-2025 in respect of Consumer A/c no. 832-139-009 for the installation of meter connection for the premises at 1st floor, 27th Gazdar House, Undriya Street, Opp. Masjid, Nagpada, Mumbai - 400 008 (for short 'the said premises').
- 2.0 By the aforesaid Order dtd. 23/07/2025, the Forum (CGRF BEST) has allowed the grievance of the present Respondent (Original Complainant / Consumer). The operative part of the said Order dtd. 23/07/2025 is quoted as under :
 - a) The Grievance No. D-521-2025 dtd.04/07/2025 is allowed.
 - b) The Respondent is directed to restore reconnection of electric supply to the said premises within 7 working days, subject to standard technical verifications and without insisting NOCs from all legal heirs.
 - c) The compliance report of restoration of supply to the said premise shall be submitted to the Forum within 10 working days.
- 3.0 Hereinafter the Review-Applicant shall be referred to as "Petitioner / Distribution Licensee" and the present Respondent shall be referred to as "Consumer" for the sake of convenience in understanding the nomenclature of the parties to the present review application with reference to their nomenclature in the original proceeding of the grievance no. D-521-2025.
- 4.0 The directives under clause 10.0 of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2020 (MERC (CGRF & EO) Regulations, 2020) allows the Consumer as well as the Distribution Licensee in case aggrieved by an Order of the Forum to apply for a review of such order within thirty (30) days of the date of the order to the said Forum under the following circumstances;
 - a) Where no appeal or Representation has been preferred;
 - b) On account of some mistake or error apparent from the face of the record;
 - c) Upon the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the order was passed.

5.0 Petitioner's prayers are as under :

- 5.1 The electric meter no. 3236812 and electricity A/c no. 832-139-009 was in the name of Mr. Obed Ur Rehman Gazdar (late father of the Consumer). The said meter was disconnected for non-payment of outstanding of Rs. 39,250/- on 24/06/2022 under provisions of section 56 of Electricity Act, 2003. The said premises was having another meter for the same consumer name with A/c no. 832-139-017. Hence, the outstanding bill was debited to the above account number. Thereafter, the outstandings were cleared. Therefore, the remark of the Forum regarding the consumer has voluntarily cleared the dues is required to be reviewed and it is mentioned that the Distribution Licensee / BEST Undertaking has not deprived the applicant of electric supply for three years but it is the act of non-payment of the consumer by which he himself deprived from the service and faced hardship.
- 5.2 Other legal heirs of Mr. Obed Ur Rehman Gazdar staying in the same premises are having separate electric connections in their names. One of the legal heirs has given three letters of objection against the said Consumer for providing new electric connection. Hence, though the electricity supply is essential, the Forum is advised to not overlook the regulations set forth by MERC.
- 5.3 The Petitioner has further quoted that right to electricity is not absolute, it is conditional upon lawful occupation and proper documentation. Also DISCOM cannot act on the "oral Will" informed orally by the Complainant. The applicant has never applied for new electric connection in last three years, neither paid his dues, so the observation that his family has faced prolonged hardship due to electricity denial for three years is untrue. Also, past dues are not voluntarily paid by the Consumer and he does not have payment history. As per Electricity Act, 2003 section 43 and MERC Regulations clause 5.6, the application for new supply connection can be processed only after the application is complete in all respect along with documents and necessary charges with other compliances.
- 5.4 By quoting a remark of Hon. Delhi High Court Order no. WP (C)13217/2019, the Petitioner has expressed apprehension that their officials do not have immunity against complaints raised by legal heirs in the cases where legal title is not cleared and having disputes in case if connections are issued without following MERC Regulations on humanitarian grounds. Hence, it is prayed to review the order of the Forum dtd. 23/07/2025 by omitting remarks of hardship faced by the Consumer due to denial of electric supply for three years. Also, it is suggested to modify the order and give temporary electric supply for a period not more than one year and ask the applicant to produce clear title documents.

6.0 From the submissions of the Review Applicant, following points arise for our determination with findings thereon for the reasons to follow :

Sr. No.	Points for determination	Findings
1	Whether the Order dtd. 23/07/2025 is required to be modified by making a review thereof as requested in the review application ?	In negative.
2	What Order ?	As per final Order.

REASONS

- 7.0 We have heard the arguments advanced by both parties and their representatives and have carefully perused the documents submitted in this matter.
- 7.1 In the CGRF order para 4.1, it is clarified that the suit no. 4083 of 2025 mentioned by the Respondent regarding objection raised by the legal heirs against the Consumer is actually not related with him, as it is a dispute between other two brothers of the Consumer i.e. Tiaf Hatif Ur Rehman Gazdar & Yasar Gazdar regarding property matter, hence does not have relevance to the grievance. The insistence on NOC from all legal heirs lacks proportionality, when no single heir has disputed the Applicant's possession with legal binding proof. Also, there is clear documentary evidence showing peaceful possession and physical occupation by the Consumer, supported by site inspection carried out by the Petitioner on 19/06/2025.
- 7.2 It is a fact that the Consumer and his family have faced prolonged hardship without electricity connection. The Consumer has cleared all outstanding dues against the said meter connection. During the hearing, the Consumer clarified that the Petitioner had transferred his pending outstandings to the account of his brother Mr. Hatif Ur Rehman Gazdar and he has made payment of the outstandings through him. The Petitioner was not able to confirm the date of payment of outstanding from the Consumer. However, he agreed that the outstandings against the electricity connection to the Consumer have already been cleared. The latest electricity bill submitted by the Consumer for the month of June 2025 reflects a credit of Rs. 21.90, as no dues are pending against Consumer no. 832-139-017 of his brother Mr. Hatif Ur Rehman Gazdar.
- 7.3 The Petitioner raised queries regarding procedural obstructions to grant reconnection in the name of deceased father of the Consumer and suggested provision of temporary electric supply connection for one year period. This contention of the Petitioner raises an observation that payment of outstanding amount has been demanded by the Petitioner by transferring the outstanding

amount of the Consumer in other account of his father (the original Consumer) but the Petitioner is not ready to give new connection, as well as reconnection to the Consumer on the pretext of internal procedural obstructions. Temporary connection at higher tariff rate for a restricted period is not an option. It was also cleared by the Petitioner that no legal action has been taken for recovery of non-payment during the three years' period of disconnection of supply. The Consumer has already showed willingness to obtain new connection or readiness to apply for reconnection in the name of his late father (original Consumer), as per the Forum Order dtd. 23/07/2025. It is therefore emphasized that procedure is manmade of justice.

- 7.4 In the similar case quoted by the Petitioner, the Hon. Delhi High Court vide order dtd. 14/11/2022 for case no. WP (C)13217/2019 has disposed off the writ petition with directives to grant fresh electricity connection to the applicant. The reference of two cases of the Hon. High Court Delhi & the Hon. Supreme Court of India have already been mentioned in the Forum Order dtd. 23/07/2025. In the said judgment, the Hon. Supreme Court of India has observed that "it is well settled proposition of law that electricity is a basic amenity of which a person cannot be deprived. Electricity cannot be declined on the ground of failures / refusal of the landlord to issue No Objection Certificate. All that the electricity supply authority is required to examine is whether the applicant for electricity connection is in occupation of the premises in question." Also, Section 43 of the Electricity Act (Right to Electricity) mandates that a Distribution Licensee is obligated to provide electric supply to any owner or occupier of premises within its area of jurisdiction, as it is a fundamental right.
- 7.5 The Forum order, specifically at paragraph 4.5, clearly delineates the peculiar facts and circumstances of the instant case. It was determined that the reconnection of the electric meter of the premises in the name of original Consumer, the late Mr. Obed Ur Rehman Gazdar is appropriate, as agreed upon by the Consumer during the hearing. The rationale is to avoid and alleviate the hardship that would result from denying an electricity supply connection, which is primordial prerequisite for civic supply, especially in cases of prolonged deprivation. This order however shall not be construed as a precedent or a definitive directive for all reconnection cases. Instead, it serves as a discretionary measure to be applied with due diligence, while considering the specific circumstances of each reconnection case on an individual basis.
- 7.6 Section 43 of the Electricity Act (Right to Electricity) mandates that a Distribution Licensee is obligated to provide electric supply to any owner or occupier of premises within its area of jurisdiction, as it is a fundamental right. However, considering the dispute among the legal heirs for the property they are at liberty to resolve the issue with the competent authority or court.

7.7 The Petitioner was previously directed to restore reconnection of electric supply to the said premises within 7 working days. Furthermore, a compliance report detailing the restoration of supply to the said premises was to be submitted to the Forum within 10 working days from the Order of the Forum dtd. 23/07/2025. The current Review Application is considered to be without merit under the provisions of clause no. 10 of MERC Regulations, 2020. Therefore, any failure to comply with the previous directives will be construed as a deliberate attempt by the Petitioner to delay the process. The Petitioner is hereby mandated to provide the electricity connection to the Consumer immediately without requiring NOCs from any legal heirs.

8.0 In this view of the matter the point no. (1) is answered in negative and we pass following order as answer to point no.2.

ORDER

1. The Grievance No. R-D-521-2025 dtd.01/08/2025 (Review Application) is rejected.
2. Copies of this order be given to all the concerned parties.

(Mr. Jitendra W. Chavan)
Technical Member

(Mrs. Anagha A. Acharekar)
Independent Member

(Mr. Mahesh S. Gupta)
Chairman

