

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)-137-2012 dt . 23/02/2012

Mr. Jignesh Velhi GadaComplainant

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 :
1. Shri. H.D. Patel
2. Shri Paresh Mehta

On behalf of the Respondent :
1. Shri. S.S. Bansode, DECC(D)
2. Shri. R.U. Kasar, Supdt.
3. Shri. S.G. Jadhav, AE
4. Shri. G.D. Ubalkar, AO

Date of Hearing : 10/04/2012

Date of Order :

Judgment by Shri. R.U. Ingule, Chairman

Mr. Jignesh Velhi Gada, Room No. 1902, 19th floor, Jayant Darshan, Bldg. No. 5, Slater Road, Grant Road, Mumbai - 400 007 has come before the Forum for his grievances regarding sanctioning of his requisition no. 53494 dtd. 03/08/2011.

Complainant has submitted in brief as under :

- 1.0 The complainant has approached to IGR Cell on 24/10/2011 regarding her grievance for sanctioning of his requisition for installation of a new meter in his name. The complainant has approached to CGRF in schedule 'A' on 01/02/2012 as no remedy is provided by the Distribution Licensee regarding his grievance. This office, while submitting the grievance in Schedule 'A', had suggested to the representative of the complainant, Shri Hasmukh D. Patel to submit documents regarding the efforts taken / negotiations made by complainant with builder / society regarding handing over the substation site at the above building. Accordingly, complainant submitted the letter on 23/02/2012 mentioning that he has not received any response from the builder. The complainant has requested the Forum to ask Respondent BEST Undertaking to sanction a new meter on his name.

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

- 2.0 On 17/03/2005 vide requisition no. 4053468 M/s. Jayant Enterprises apply for electric supply to proposed building at Jayant Enterprises, Shree Jayant Darshan, Grd. + 24 th floor, 11, Shankar Sheth Road.
- 3.0 On 07/06/2005 we vide our letter ref no. CS/STD.I/463046/2005 dated 07/06/2005 informed to applicant (Jayant Enterprises) that, her requisition is kept pending for substation is required to be established in his premises .
- 4.0 There are two wings in the said building one for tenant and other for sale. We had released 70Kw load to tenant building by laying 4Cx120mm sub service for service no. 1306158. Further, vide requisition no. 15370 dated 07/06/2010 Jayant Enterprises, requested to release part load of 105Kw for sale building. Jayant Enterprises submitted Undertaking duly notarized which is self explanatory for release of part load. In view of above the part load is sanctioned to the building.
- 5.0 On 03/08/2011 Shri Jignesh Velhi Gada (complainant) applied for new connection vide requisition no. 53494, vide our letter ref: CC'D'/AECC'D'/573/2011 dtd 22/08/2011, we informed the applicant that, the load cannot be released as developer has not handed over the space for Substation. BEST Undertaking cannot released load as the requirement of total no of kilowatt cannot be fulfilled from the existing source of supply, same was already informed with written notice to the developer M/s. Jayant Enterprises on 30/06/2010. M/s. Jayant Enterprises submitted an undertaking to release 105kw load and promised that, he shall not demand for any further load requirement till substation space is handed over by him. Considering the same 105kw load released approval was received and the said load was released.

- 6.0 As per the discussion in the meeting with applicant on 03/11/2011, again we have initiated a note for approval for releasing this incoming requisite load, but we are not in a position to release electricity connection to the applicant as sufficient electricity load is not available within the vicinity of network. Hence, all these facts were explained to the applicant and inform him that, as and when the site for substation will be made available, the network will be strengthened and the requisition will be processed.
- 7.0 We pray to the Hon'ble Forum to dismiss the grievances made by the applicant as the proposed DSS Compliances is not fulfilled by the developer of the said building.

REASONS :

- 8.0 We heard Mr. H. D. Patel and Mr. Paresh Mehta for the complainant and for respondent BEST Undertaking its officials Mr. S. S. Bansode, Divisional Engineer, Mr. R. U. Kasar, Supdt., Mr. S. G. Jadhav, Assistant Engineer and Mr. G. D. Ubalkar, Assistant Officer.
- 9.0 This forum observe that, M/s. Jayant Enterprises has constructed a building viz. "Shree Jayant Darshan" on Shankar Sheth Road having ground plus 24 floors. As submitted by the respondent BEST Undertaking, there are two wings in the said building, one for the tenant and the other for sale. The respondent BEST Undertaking had already released 70 KW load to the tenant building. Thereafter, M/s. Jayant Enterprises, the builder applied for 105 KW load for the "**sale building**" viz. "Shree Jayant Darshan" located on Shankar Sheth Lane. This load was also released exhausting the spare capacity available in the network in addition to the tenant building load of 70 KW. Thus total 175 KW of load was released to the extent possible.
- 10.0 Pertinent to note that, the present applicant has been staying in the "**sale building**" on 19th floor in room no. 1902. His requisition no. 53494 has been dated 03/08/2011. This forum observe at this juncture that, M/s. Jayant Enterprises, the builder has also given an undertaking dated 19/12/2010 on Rs. 100 non-judicial stamp paper in an unequivocal words to offer a space for substation in plot in CS No. 2/6 and 6 of Tardeo Division and further undertaken to provide substation details within 6 months. Thereafter, referring to the requisition submitted for "**sale wing**" requested the respondent BEST Undertaking to release part load for its said sale wing.
- 11.0 Admittedly, till this date no space has been provided by M/s. Jayant Enterprises, the builder for releasing the required electricity load for the sale wing as per his requisition no. 15370. Pertinent to note at this juncture that, the applicant has been staying in this "**sale building**" 19th floor praying for the

direction to respondent BEST Undertaking to provide a separate meter to its premises. Now, a vital question arises for the consideration of this forum whether the complainant has been entitled to get granted such relief from this forum.

- 12.0 In the consider view of this forum, it would be totally unsafe to provide a separate meter to the complainant as prayed for, as it would Burden the present electric supply being furnished to the builder viz. M/s. Jayant Enterprises, which has been totally and entirely based on the undertaking given by him to provide a space for substation to upgrade the present electric supply network.
- 13.0 In this context, this forum observe that, the various documents placed on file manifest that, despite an undertaking was given by the builder M/s. Jayant Enterprises to provide a space for installing a substation, no such space has been provided to the respondent BEST Undertaking till this date. Accordingly, the complainant has been informed by the respondent BEST Undertaking vide its letter dtd. 22/12/2011 its inability to provide a new connection of electricity supply as per his requisition. It was also informed to the complainant vide this letter that, despite giving an undertaking, the complainant builder has not provided any space for installing substation. Therefore, no load can be released as the requirement of total kilowatt load cannot fulfill from the existing source of supply.
- 14.0 This forum proceeds to observe at this juncture that, in order to give an opportunity to the said builder M/s. Jayant Enterprises to submit his say in the instant matter, a notice was served on him to attend the hearing of this complainant. However, the builder M/s. Jayant Enterprises has refrain from attending the hearing.
- 15.0 To conclude, this forum observe that, in regard to "**sale wing**", a load was sanctioned by the respondent BEST Undertaking solely on the ground that an assurance in writing dtd. 19/12/2010 was furnished by the said builder to provide a space for installation of a substation to upgrade the existing electricity load available in area where the premises of the complainant has been located.
- 16.0 Obviously, therefore, for want of such substation, there is every merit in submission made on behalf of the respondent BEST Undertaking that a new electric connection cannot be provided to the owner / occupant like the complainant, in the building viz. Shree Jayant Darshan as no spare capacity of electricity has been available from the existing source of supply. Such fact was brought to the notice of the builder from whom complainant has purchased the premises, at the inception only. The respondent BEST Undertaking has also accordingly informed the complainant vide its letter dtd. 22/12/2011 and we find a merit therein.

- 17.0 To reiterate, as observed above, the building wherein complainant has been staying has been of a 24 floors. It is therefore, explicit that, the present complainant would not be the only owner / occupier who has been applying for a new connection of electricity supply to her premises. This forum cannot give a blind eye to a blatantly manifest fact that, there would be a spate of such applications from the said "**Sale Building**", seeking new connection to their premises, which existing electric supply would not sustain.
- 18.0 Before we part with this order we may observe that to ascertain the efforts put in by the complainant and her society in pursuing and insisting upon the builder viz. M/s Jayant Enterprise for providing place for substation, the office of this forum had discussion with the representative of the complainant, Shri Patel to place before this forum the correspondence entertained with the said builder in this context. However, despite such vital instructions were given to the said representative, no correspondence or any iota of evidence has been placed on file before us in this regard. This forum thus finds that there is not only abysmal lethargy and indifference on the part of the said builder but on the part of the complainant also. On this ground also we find that instant complaint being devoid of any merit.
- 19.0 In the aforesaid observation and discussion, we find the instant complaint being liable to be dismissed and accordingly we do so.

ORDER

1. Complaint no. S(D)-137-2012 dtd. 23/02/2012 stands dismissed.
2. Copies be given to both the parties.

(Smt Varsha V Raut)
Member

(Shri S P Goswami)
Member

(Shri R U Ingule)
Chairman