

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

Grievance No S-C-400-2019 dtd. 08/11/2019

Smt. Kamladevi K. DagliyaComplainant

V/S

B.E.S.&T. UndertakingRespondent no 1

Shri Ranjeet DuttRespondent no 2

Present

Chairman

Quorum : Shri V. G. Indrale, Chairman

Member

1. Shri K. Pavithran, Member
2. Dr. M.S. Kamath, Member CPO

On behalf of the Respondent no 1 : 1. Shri Kishanlal M. Dagliya
2. Shri S.C. Surana

On behalf of the Respondent no. 2 : 1. Shri Ranjeet Dutta

On behalf of the Complainant : 1. Shri S.S. Mahesh, Supdt. CC(C)

Date of Hearing : 11/12/2019

Date of Order : 12/12/2019

Judgment by Shri. Vinayak G. Indrale, Chairman

Smt. Kamladevi K. Dagliya, Sunder Bhawan, 3rd floor, Maruti Lane, Phul Galli, Bhuleshwar, Mumbai - 400 002 has come before the Forum for dispute regarding illegal tenancy of Mr. Ranjit Dutt pertaining to a/c no. 379-173-035 at 6/B, 2nd floor, 26-A, Sabarkata Bldg., Mumbadevi Compound, Kalbadevi, Mumbai- 400 002.

Complainant has submitted in brief as under :

The complainant has approached to IGR Cell dated 29/03/2019 received on 29/03/2019 for dispute regarding illegal tenancy of Mr. Ranjit Dutt pertaining to a/c no. 379-173-035 at 6/B, 2nd floor, 26-A, Sabarkata Bldg., Mumbadevi Compound, Kalbadevi, Mumbai- 400 002. The complainant has approached to CGRF in schedule 'A' dtd. 04/11/2019 received by CGRF on 04/11/2019 as complainant was not satisfied by the remedy provided by the IGR Cell.

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

- 1.0 Smt. Kamladevi Dagliya come before the Forum regarding her dispute about disconnection of electric supply given in the name of Shri Ranjeet H. Dutta having electric supply at 6/B, Second floor, Sabarkanta, 26/A, Mumbadevi Compound, Mumbai - 400 002 stating that "Her building is ground + one floor and there is no second floor, the meter is installed at wrong place, hence the same should be removed immediately".
- 2.0 As per CIS record electric supply is given in the name of Shri Ranjeet H. Dutta from 18/04/1995 having a/c no. 379-173-035*2. The ID papers of installation of meter in the year 1995 are not available.
- 3.0 As per investigation report dtd. 02/05/2019, it is observed that premises of Shri Ranjeet H. Dutta is on loft floor above the first floor, located partly above the passage of first floor and partly above Room no. 20 with entrance via staircase situated at Room no. 19 and opposite Room no. 20.
- 4.0 Dispute of premises occupancy between landlord and / or tenant is not under the purview of the Undertaking. Shri Ranjeet H. Dutta is BEST's electricity consumer since 18/04/1995 and paying electricity bills regularly, hence his meter cannot be disconnected. The complainant may be asked to approach appropriate authority / judiciary for vacating the premises.

REASONS

1. We have heard the argument of representative who is husband of the complainant, for the BEST Undertaking Respondent No. (1) Shri S.S. Mahesh, Supdt.,CC(C) and Shri Ranjeet Dutta as the Respondent No. (2). Perused the documents filed by either parties to the proceeding and written submission filed by the Respondent BEST Undertaking along with documents.
- 2.0 The representative of the complainant has vehemently submitted that the electricity connection given to the Respondent No. (2) is illegal and therefore it is required to be disconnected. The Respondent No. (1) BEST Undertaking has submitted that the said electricity connection is given on 18/04/1995 to the Respondent No. 2 and now the

complainant who is one of the tenant at first floor and the Respondent No. 2 who is occupier of the mezzanine floor as tenanted premises has no right to ask for disconnection of electric supply given to the Respondent No. 2.

- 3.0 The Respondent No. 2 has submitted that he is occupier of the said mezzanine floor since year 1995 and owner of the said mezzanine floor is Shri Agarwal. According to the Respondent No. 2, the complainant, with a view to harass him has filed this complaint with ill motive.
- 4.0 Having regard to the above said submission the question poses before us is whether the complainant who is not the owner but the tenant who has right to pray to disconnect the electric supply given to the Respondent No. 2, occupier since year 1995. The answer to this question is negative as the complainant has no *locus-standie* to file such grievance.
- 5.0 We have gone through the provision of Regulation 6.6 of MERC (CGRF & EO) Regulations, 2006 which restricts the Forum from taking cognizance of the complaint filed after two years of arising cause of action. In the instant case the connection is given to the Respondent No. 2 on 18/04/1995 and the complainant who is one of the tenant has approached the Forum in the year 2019 for disconnecting the electric supply given to the Respondent No. 2.
- 6.0 Having regard to the above said reasons we do not find any substance in the complaint, thus the complaint deserves to be dismissed. In result we pass the following order.

ORDER

- 1.0 The grievance no. S-C-400-2019 dtd. 08/11/2019 stands dismissed.
- 2.0 Copies of this order be given to the concerned parties.

sd/-
(Shri K. Pavithran)
Member

sd/-
(Dr. M.S. Kamath)
Member

sd/-
(Shri V.G. Indrale)
Chairman