

**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. N-GN-320-2017-2017 dtd. 24/05/2017**

Mr. Dominic F. Mascarenhas .....Complainant

V/S

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

**Present**

Chairman

Quorum : Shri V. G. Indrale, Chairman

Member

1. Shri S.V. Fulpagare, Member
2. Shri S.M. Mohite, Member, CPO

On behalf of the Complainant :  
1. Shri Bosco Mascarenhas  
2. Shri Reis Mascarenhas  
3. Shri Dominic Mascarenhas

On behalf of the Respondent : 1. Shri A.R. Tiwari, A.E. CC(G/N)

Date of Hearing : 11/07/2017

Date of Order : 14/07/2017

**Judgment by Shri. Vinayak G. Indrale, Chairman**

Mr. Dominic F. Mascarenhas, Khan Saheb Wadi, H.No. 05, Opp. Mahim Police Stn., Fort Road, Mahim, Mumbai - 400 016 has come before the Forum for dispute regarding new connection of electric supply.

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

The complainant has approached to IGR Cell on 29/12/2016 for dispute regarding new connection of electric supply. The complainant has approached to CGRF in schedule 'A' dtd. 05/04/2017 (received by CGRF on 12/04/2017) as the complainant was not satisfied by the remedy provided by the IGR Cell of Distribution Licensee.

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

- 2.0 The complainant Shri. Dominic Mascarenhas has come before the Forum regarding his dispute about reconnection of electric supply for commercial purpose.
- 3.0 Electric supply was given to the premises under reference through the meter No. E826553, A/C No 639-017-001 from 04/03/1975 in the name Shri. Abdul K Qureshi for commercial purpose. The consumer had make regular payment of electricity bills up to Oct 2007. He had made last payment of RS 2237/- for the month of Oct. 2007 on 22/11/2007. After that he had stopped making payment.
- 4.0 Electric supply to the complainant's premises was disconnected by removing the meter on 07/08/2009 for the reason non-payment of electricity dues amounting to Rs 11,451/-. As on April 2017 the electricity dues has increased to Rs 22,700/- by adding Delay Payment charges and interest.
- 5.0 Vide Requisition no. 243491 dated 18/02/2016, the occupant Shri Dominic Mascarenhas had applied for reconnection of electric supply after 7 years from disconnection of electric supply. The complainant's requisition was sanctioned and the complainant was requested to clear the electricity dues pertaining the premises under reference. As the complainant had not made the payment of arrears, his requisition for electric supply was cancelled for the reason of non compliances twice.
- 6.0 The complainant is insisting BEST Undertaking to recover the dues from Smt Shahida A Qureshi's (wife of late Shri. Abdul K Qureshi ) a/c no 637-549-025.

**REASONS**

- 7.0 We have heard arguments of Shri Bosco Mascarenhas for the complainant and for the Respondent BEST Undertaking Shri A.R. Tiwari, A.E, CC(G/N). Perused the documents placed on record.
- 8.0 The representative of the complainant has vehemently submitted that he has applied for new electricity connection in prescribed proforma on 18/02/2016 and the Respondent BEST Undertaking has not given electricity connection to the rented premises in possession of the complainant. The officer of the Respondent BEST

Undertaking has submitted that the premises for which the complainant has sought electricity connection was previously in possession of Shri Abdul Qureshi and the electricity dues of Rs. 22,700.00 till May 2017 is due towards Shri Abdul Qureshi and therefore as per Regulation 10.5 of MERC (Supply Code and Other Conditions of Supply) Regulation, 2005, the complainant is liable to pay the arrears of electricity.

- 9.0 The representative of the complainant has submitted that the address shown in the electricity bill of Shri Abdul Qureshi is Ground floor, Plot no. 14, Pathan Manzil, Tadkeshwar Mahadeo Mandir Marg, Balamiya Lane, Mahim Church, Mahim - 400 016 whereas the complainant has given the address in application for new connection such as Ground floor, Garib Nawaz Building, Mahim and the address is being different in any case it cannot be said that the premises in possession of Shri Qureshi was the same premises presently occupied by the complainant. Thus the question poses before us is whether the Respondent BEST Undertaking has satisfactorily shown that the premises for which the complainant asked for electricity connection was in possession of Shri Abdul Qureshi. We have perused the documents placed on record by the Respondent BEST Undertaking more particularly at pg. 27 which is the current information of the consumer Shri Abdul Qureshi in which the address is shown as Ground floor, Garib Nawaz building. We have perused the report prepared by the Respondent BEST Undertaking's officer after receiving the application for new connection. In the said report the concerned officer has specifically mentioned that previously Shri Abdul Qureshi was in possession of the said premises and for that premises the meter no. F995133 was affixed.
- 10.0 It appears that he has no reason to give the said report as after actual verification of the premises and other records, he submitted the said report and we do not find any reason to disbelieve his report as during discharge of his official duty, he made report. The concerned officer has also given rough sketch map of the premises for which the complainant has applied for new electricity connection. The representative of the complainant while arguing the case has submitted that Shri Abdul Qureshi is now no more and his widow is in occupation of another residential premises and so Respondent BEST Undertaking can recover electricity dues from her. This submission of the representative of the complainant is not at all acceptable in view of Regulation 10.5 of MERC (Supply Code and Other Conditions of Supply), Regulation, 2005. We think it just and proper to reproduce the Regulation 10.5.

*10.5 Any charge for electricity or any sum other than a charge for electricity due to the Distribution Licensee which remains unpaid by a deceased consumer or the erstwhile owner / occupier of any premises, as a case may be, shall be a charge on the premises transmitted to the legal representatives / successors-in-law or transferred to the new owner / occupier of the premises, as the case may be, and the same shall be recoverable by the Distribution Licensee as due from such legal representatives or successors-in-law or new owner / occupier of the premises, as the case may be :*

*Provided that, except in the case of transfer of connection to a legal heir, the liabilities transferred under this Regulation 10.5 shall be restricted to a maximum period of six months of the unpaid charges for electricity supplied to such premises.*

- 11.0 In view of the said Regulation, the Respondent BEST Undertaking has every right to demand the arrears of electricity from the consumer who apply for reconnection for the premises. Thus it appears that the complainant although has asked for new electricity connection it is a case of reconnection / change in name so it is squarely covered by proviso to Regulation 10.5 as complainant is not a legal heir.
- 12.0 It reveals that landlord of the premises had previously rented out the same premises to Shri Abdul Qureshi and later on in October 2015 he rented out it to the complainant. In view of this aspect it was bounden out of the landlord and tenant to see whether electric supply is given to the premises and whether there are any electricity dues. It appears that certainly the complainant himself have made enquiry in that regard.
- 13.0 Considering the population in Mumbai as well as condition of buildings no one can expect that after lapses of 22-25 years the premises be known as same as earlier. In the instant case the Respondent BEST Undertaking has submitted that in view of consumer indexing and keeping service cabin address as reference the address of Shri Abdul Qureshi on electricity bill has been changed from Garib Nawaz to Pathan Manzil in the year 2011.
- 14.0 Having regard to the above said reason and considering proviso of MERC Regulation 10.5 (Supply Code and Other Conditions of Supply) Regulation, 2005, the complainant is liable to pay electricity dues as per proviso of Regulation 10.5. Thus the contention of the Respondent BEST Undertaking that the complainant is liable to pay all arrears of electricity dues does not appear to be legal. Thus complaint deserves to be partly allowed as under. In result we pass the following order.

#### ORDER

1. The complaint no. N-GN-320-2017-2017 dtd. 24/05/2017 stands partly allowed.
2. The Respondent BEST Undertaking is hereby directed to carve out electricity dues of the complainant as per proviso 10.5 (Supply Code & Other Conditions of Supply) MERC Regulation, 2005.
3. The Respondent BEST Undertaking therefore accordingly directed to revise the claim as per proviso of Regulation 10.5 and after depositing the said amount, the Respondent BEST Undertaking should give electric supply to the complainant within

stipulated time in SOP. The compliance of this order is to be informed to this Forum within one month therefrom.

4. Copies of this order be given to both the parties.

Sd/-  
(Shri S.V. Fulpagare)  
**Member**

Sd/-  
(Shri S.M. Mohite)  
**Member**

Sd/-  
(Shri V.G. Indrale)  
**Chairman**