

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-A-264-2015 dtd. 16/06/2015.

Maker Tower 'H' CHS. LtdComplainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Chairman

Quorum : Shri V. G. Indrale, Chairman

Member

1. Shri S.S. Bansode, Member
2. Shri S.M. Mohite, Member CPO

On behalf of the Complainant :
1. Shri Tahir A. Khan
2. Shri Subhan Khan
3. shri Balasubraniam
4. shri Subhaschandra Varma

On behalf of the Respondent :
1. Shri N.V. Bhandari, DECC(A)
2. Shri V.R. Sawant, AAM(A)
3. Shri M.M. Wadkar, Dy.Eng.

Date of Hearing : 09/07/2015

Date of Order : 11/08/2015

Judgment by Shri. Vinayak G. Indrale, Chairman

The Secretary, Maker Tower 'H' CHS. Ltd., Ground floor, G.D. Somani Marg, Cuffe Parade, Mumbai - 400 005 has come before the Forum for shifting of meters for shifting of electric meters from subservice to main service no. 556658.

Complainant has submitted in brief as under :

The complainant has approached to IGR Cell on 10/03/2015 shifting of meters for shifting of electric meters from subservice to main service no. 556658. The complainant has approached to CGRF in schedule 'A' dtd. 11/06/2015 (received by CGRF on 12/06/2015) as they were not satisfied by the remedy provided by the IGR Cell Distribution Licensee regarding their grievance.

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

- 2.0 The complainant has registered Requisition no. 182288 & 182291 for shifting of remaining 2 number of meters from sub service meter room to main service meter room in order to vacate the sub service meter room.
- 3.0 Noble Electricals (LEC) vide his letter dtd. 25.02.2014 and the secretary of Maker Tower `H` CHS Ltd., vide their letter dated 08.03.2014 requested for preventive maintenance of meter rooms of main service no. 556658-X-X and sub service no. 556658-B-X. Accordingly, the preventive maintenance of meter room of main service has been carried out on 29.04.2014.
- 4.0 In sub service meter room there were 28 numbers of three phase meters out of which 26 numbers of three meters were shifted to main service meter room. If we shift the remaining two number of three phase meters and vacate the sub service meter room, then we will not be able to meet request from even a single consumer for additional load, as sufficient space for installation of three phase meter will not be available in main service meter room. It is noted that the activity of shifting of meters is not part of preventive maintenance.
- 5.0 As the complainant did not comply with the notice dtd. 11.03.2014, preventive maintenance of sub service meter room was not carried out. They were reminded to submit the work completion report in our letter dtd. 30.06.2014 in reply to their application dtd. 15.05.2014 in Annexure `C` Form.
- 6.0 If all the meters of the building are accommodated in one meter room of main service the precious infrastructure provided for safe & reliable electrification of building will be lost. It will not be possible for BEST to meet additional load requirement in future as no space will be left to lay additional service cable and to install higher size meters. Hence remaining two meters are not shifted.
- 7.0 It was decided in the meeting held in the chamber of Dy. General Manager (Electric Supply) BEST on 03.02.2015, which was attended by Hon`ble Secretary of Maker Tower `H` that the remaining two meters will be shifted by BEST after receipt of an undertaking from society that the society does not have objection in keeping the sub service meter room in custody of BEST with lock & key of BEST Undertaking. However, no further correspondence was done by the complainant in this respect.

REASONS

- 8.0 We have heard arguments of Shri Tahir A. Khan, representative of the complainant as well as Licensed Electrical Contractor who has taken on contract for shifting of meters

with re-maintenance of electric meter board of Maker Tower 'H' wing. We have heard arguments of the representative of the Respondent BEST Undertaking and perused the documents at Exhibit 'A' to 'G' filed by the Respondent BEST Undertaking along with written statement.

- 9.0 Shri Tahir, the representative of the complainant has vehemently submitted that as per the work order of shifting of meter approved by the concerned authorities he has shifted 26 meters in main service room and now only two meters are remained and for that concerned officer has called back the permission to shift these two meters in main service room. He has further submitted that the action of the Respondent BEST Undertaking for not allowing them to shift these two meters from sub service room to main service room is illegal and therefore it is just and proper to direct the concerned authorities to grant permission to shift the said two meters. We have cautiously gone through the complaint in Schedule -A which is silent on the main aspect as to what was the need to shift these 28 three phase meters from sub service room to main service room. The Respondent BEST Undertaking in written statement has submitted that the society office bearers of the Maker Tower 'H' wing agreed to give undertaking that in case of fixing other meters they would provide the space and later on they refused to give the undertaking and therefore the Respondent BEST Undertaking withheld the permission to the complainant to shift these meters.
- 10.0 Considering the nature of dispute the conclusion poses before the Forum is whether the allegations in the complaint comes within the definition of the 'Grievance' as contemplated under Regulation 2(c) of MERC (CGRF & EO) Regulation, 2006. We think it to reproduce the definition of 'Grievance' which runs as under.

“Grievance” means any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which has been undertaken to be performed by a Distribution Licensee in pursuance of a license, contract, agreement or under the Electricity Supply Code or in relation to standards of performance of Distribution Licensee as specified by the Commission and includes inter alia (a) safety of distribution system having potential of endangering of life or property, and (b) grievances in respect of non-compliance of any order of the Commission or any action to be taken in pursuance thereof which are within the jurisdiction of the Forum or Ombudsman, as the case may be.

- 11.0 Having regard to the above definition in any case it cannot be held that the said Grievance comes under the definition of Grievance. We are saying so because it is not the case of the complainant that the place where they have already fixed the meters is unsafe for human being and therefore they have decided to shift these meters in main service room. The so called act of the complainant in shifting the meters from sub service room to main service room, cannot be held as grievance within the above

said definition. In view of this aspect of the case the complaint itself is not maintainable. The Forum has no jurisdiction to entertain the same.

- 12.0 Even if for the sake of argument, we presume that so called grievance comes under the above said definition, in that case also the complainant is not entitled to get any relief as prayed for. On the contrary it appears that the sole object of the office bearers of the society is to get vacate two sub service rooms and shift all the meters in main service room and thereby utilize the said space for their use. The office bearers of the Maker Tower 'H' wing are under obligation to provide the suitable, safe place for installing the electric meter in case of additional supply of meters to the flat owners. As per the guidelines provided from time to time, the size for fixing meters on electric board is also given with a view that there must be adequate space between the two electric meters with a view to prevent any untoward incident. The complainant without taking any care of safety of human being are shifting all the meters from sub service room to main service room and thereby even it is unsafe for meter reader to enter in the room and note down the reading properly.
- 13.0 One may say that when the Respondent BEST Undertaking has given permission to shift the meter and complainant has deposited the charges then action of the Respondent BEST Undertaking for not allowing to shift the remained two meters is illegal. The Forum wish to observe that the concerned authority has passed Administrative Order considering safety of the human being and therefore for that the complainant could not get any right to ask for any relief as prayed for. It appears that in Mumbai due to rise in prices of the landed property everybody is inclined to utilize the space and thereby the complainant has tempted to file this complaint. After all it is the Administrative Order of the Respondent BEST Undertaking to take decision and to find out the suitable place for shifting the meter as well as to see if there is any available space for providing additional meters needed by the consumer in future.
- 15.0 Having regard to the above said reason we do not find any substance in the complaint. Hence the complaint deserves to be dismissed. In result we pass the following order.

ORDER

1. The complaint No. S-A-264-2015 dtd. 16/06/2015 stands dismissed.
2. Copies of this order be given to both the parties.

(Shri S.S. Bansode)
Member

(Shri S.M. Mohite)
Member

(Shri V.G. Indrale)
Chairman