

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-260-2015 dtd. 29/05/2015.

Maker Tower 'J' 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 : 02/07/2015

Date of Order : 16/07/2015

Judgment by Shri. Vinayak G. Indrale, Chairman

The Secretary, Maker Tower 'J' CHS. Ltd., Ground floor, G.D. Somani Marg, Cuffe Parade, Mumbai - 400 005 has come before the Forum for shifting of meters for vacating sub-service cabin pertaining to a/c no. 763-490-007*5.

Complainant has submitted in brief as under :

The complainant has approached to IGR Cell on 10/03/2015 shifting of meters for vacating sub-service cabin pertaining to a/c no. 763-490-007*5. The complainant has approached to CGRF in schedule 'A' dtd. NIL (received by CGRF on 28/05/2015) 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 members of Maker Tower CHS Ltd J Wing has applied for shifting of meters from sub service meter room to main service meter room and the Undertaking has not considered their request. Hence complainant has come before the Forum.
- 3.0 The secretary and the members of Maker Tower 'J' CHS Ltd has registered the requisitions for shifting of their meters from sub service meter rooms to main service meter room. After investigation it was observed that consumers want to shift their all meters to main service meter room to vacate the sub service meter rooms. Vide dtd. 26.12.2014 the complainant was informed that is subservice meter room is vacated by shifting all meters on sub service meter room to main service meter room then 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. In view of this their request for shifting of meters to main service meter rooms is not considered.
- 4.0 Hence maintenance was not carried out. Also there is a possibility of using these vacated rooms for unintended activities. Also this will become precedent in future.

REASONS

- 5.0 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 'J' wing. We have heard arguments of the representative of the Respondent BEST Undertaking and perused the documents at Exhibit 'A' to 'F' filed by the Respondent BEST Undertaking along with written statement. We have perused the documents filed by the complainant along with Annexure more particular the meter board size pg. 27 and the guidelines for Architect and Builder to decide the location and size of the meter rooms.
- 6.0 The representative of the complainant has vehemently submitted that the Respondent BEST Undertaking has allowed him to shift the meters from sub-service room to main

service room in other wings of Maker Tower. He has further submitted that as per Regulation he has deposited the fees required for processing the shifting of meters. Thus against this, the representative of the Respondent BEST Undertaking has submitted that there are three rooms, one is used for main service and other two rooms are used as sub-service rooms for installing the meters and considering the Supply Code Regulation and standard size required for installing the meter it is unsafe to shift the meters in one main service room. The representative of the Respondent BEST Undertaking has submitted that the complainant without any just and sufficient cause shifting the meters from two sub-service rooms to main service room and thereby intending to use the said space for their own purpose.

- 7.0 After hearing the arguments of both the parties, it appears that the complainant is intending to shift the meters from two sub-service rooms to one main service room under the grab of re-maintenance of electric meter boards. It appears that shifting of meter room from two sub-service rooms to main service room, the complainant is intending to get vacate the said space for their own use. However, the complainant has shown readiness to give the Undertaking that in future if the Respondent BEST Undertaking requires more space for installation of additional meter, they are ready to give the Undertaking in that regard. After bare perusal of complaint, it appears that it is silent on the point of reason for shifting the meters from two sub-service rooms to main service cabin. Considering the averment made in the complaint which is silent for the point of reason for shifting of meters, the question rise before the Forum is whether the so called reason of the complainant comes within ambit of definition of '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.

- 8.0 Having regard to the definition of grievance we have least hesitation to hold that so called act of the complainant in shifting the meter from two sub-service rooms to main service room cannot be held as 'Grievance' within above said definition. In view of this aspect of the case really the complaint itself is not maintainable and it appears that this Forum has no jurisdiction to entertain the same.

- 9.0 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 entitle to get any relief as prayed for. We are saying so because it is prerogative / satisfaction / choice of Licensee to choose the safe and suitable place for fixing the meter board as per terms and conditions of supply of BEST Undertaking which is duly approved by MERC and it is not the choice of the consumer to insist the Licensee to put of the meters in main room. We have already discussed that the complaint is silent about the reason for shifting and obvious reason behind filing this complaint is to get vacate the space of two sub-service room and utilize the same. Even in the complaint it is not mentioned the strength of meters to be shifted in main service room.
- 10.0 However, at the time of arguments, it is submitted by the representative of the complainant that there are in all 83 meters (44 single phase and 39 three phase) which are being shifted to main service room. As per Supply Code and guidelines, the Architect and Builder who decides the location and size of the meter room, meter board which the complainant himself has produced at the time of argument, it appears that in the said guidelines number of meter rooms on the basis of single phase or three phase is given and normally not more than 40 single phase or 20 three phase meters shall be installed in one room. In the said guidelines the size of the single phase and three phase meter board is also given. The complaint themselves (on pg. 27) have given the meter board size which varies as per single and three phase meters. It appears after perusal of pg. no. 18 that the concerned inspector has submitted the said proposal of shifting of meter to DCECC(S) for approval. In the said proposal size of existing room and strength of meter (single and three phase) affixed in three rooms is shown. It appears that DCECC(S) has not approved the said proposal for shifting of meters and thereby the complainant knocked the door of CGRF. It is administrative function of the Respondent Authority as they have to consider the safety of human being and then only accord the sanction for shifting. Hence, it is not proper on the part of Forum to interfere in the administrative function of the Respondent.
- 11.0 Considering the said meter board's size it is highly improper and impracticable to shift all the 83 meters in one main room. However, as per Supply Code the meter room must have ventilation as well as sufficient space for Meter Reader to enter it and obtain reading. It appears that considering the price of the land, the consumers are bent upon to reduce the size of meter room and to shift all the meters in one room and utilize the space of sub-service room. It is not proper as to shifting of the meters in main service room is not safe so the contention of the Respondent BEST Undertaking that it is unsafe to shift the meters in one main room appears to be probable.
- 12.0 Having regards to the above said reasons the Forum does not find any grievance in the complaint filed by the complainant. It appears that the complainant has filed this complaint only with a view to utilize the space i.e. two sub-service rooms by shifting the meters to main room. Here again this Forum views to observe that the meters produce the heat and thereby it requires some space between two meters otherwise there would be possibility of burning the meters and other possibility of untoward incident. It appears that office bearer of society are more interested in beautification

of meter room by shifting of meter boards rather than safety of human beings. So the complaint deserves to be dismissed.

ORDER

1. The complaint No. S-A-260-2015 dtd. 29/05/2015 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