

BEFORE THE COMPLAINANT 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-C-152-2012 dtd. 11/06/2012

Shri Parag A. NisharComplainant

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 - Absent

On behalf of the Complainant : 1. Shri. Amarshi Manish Nishar

On behalf of the Respondent : 1. Shri S.K. Pandit, AAMCC(C)

Date of Hearing : 03/08/2012

Date of Order : 08/08/2012

Judgment by Shri. R.U. Ingule, Chairman

Shri Parag A. Nishar, 288, Shop No. 1, Gr. Floor, Kalbadevi Road, Mumbai - 400 002 has come before forum for grievance regarding removing of communication pillar no. 109 which is on the footpath.

Complainant has submitted in brief as under :

- 1.0 The complainant has approached to IGR Cell on 26/03/2012 regarding his grievance of removing of communication pillar no. 109. The complainant has approached to CGRF in schedule 'A' dtd. 07/06/2012 (received by CGRF on 08/06/2012) as no remedy is provided by the Distribution Licensee regarding his grievance. The complainant has requested the Forum to direct BEST Undertaking to remove the said communication pillar.

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

- 2.0 Divisional Engineer Maintenance Central South has mentioned in his reply as follows :
- 2.1 The said pillar is of old cast iron 6 way pillar having door on both sides and installed on the curb line of the footpath on Kalbadevi Road near street lighting pole no. KLB-55.
- 2.2 The pillar is painted with red colour and marked with yellow strip around it. No pillar no. is stenciled on it. Pillar's front door could not be opened as new paver blocks are provided on footpath. 5 nos. of PILC cables are terminated in unit no. 1,2,3,4,5 and unit no. 6 is spare one. All the cables terminated inside the pillar are found dead.
- 3.0 Divisional Engineer Street Lighting (Maintenance) has mentioned in his reply as follows :
- 3.1 The said pillar is an old street lighting pillar having 3 core DC cables was used for street lighting network in the past. The said cables may be required for future expansion work of change over strengthening scheme. This pillar is require for BEST's maintenance work in future for replacing new L.V. pillar or street lighting pillar. This pillar may be used for strengthening of L.V. network by O&M(CS) dept. / street lighting network. In concurrence with the Planning Network Dept. to utilize the space in future, it is not advisable to remove the said pillar.

REASONS :

- 4.0 We have heard the complainant in person and for the Respondent BEST Undertaking, Shri S.K. Pandit, AAMCC(C).
- 5.0 The matter under consideration has been moved really in very narrow compass. The complainant initially approached the IGRC vide his communication dtd. 26/03/2012 with a grievance for removal of communication pillar no. 109 as the same has been posing a threat and danger to the life and property of the consumer and causing nuisance to public at large including the consumer.
- 6.0 This Forum finds that the IGRC vide its letter dtd. 21/06/2012 addressed the matter to the Divisional Engineer Operation & Maintenance (Central South) division. We further find that Divisional Engineer of this department vide its letter dtd. 10/07/2012 informed that the site where communication pillar no. 109 has been installed, was

inspected on 27/06/2012 to find that the same has been of an old cast iron 6 way Lucy Pillar, having door on both sides installed on the footpath on Kalbadevi Road.

- 7.0 Thereupon the no. 109 has been insignificantly written inside the pillar. Due to paver blocks the front door of the pillar could not be opened. The same was required to be opened from the rear side to find the cables being dead one. Therefore for removal of this pillar expressed to ask for the comments from the Divisional Engineer Street Light (Maintenance).
- 8.0 This Forum now finds it expedient to advert to the comments submitted by DESL(M) dtd. 18/07/2012. On perusing these comments we find stated therein that the said pillar has been the old street light pillar. The said pillar may be required for change over strengthening scheme and may require for future extension of network. This pillar has been located on Kalbadevi Road which is highly load density and load growth area. Therefore may be required for the Respondent BEST Undertaking for maintenance work in future for replacing new L.V. pillar or street lighting pillar. Therefore, in concurrence with Planning Network Dept. to utilize the space in future it is not advisable to remove the said pillar.
- 9.0 Now we proceed to assess and analyze the merit in the submission made by the DESL(M) referred to above. Firstly this Forum observes that as submitted by the complainant before this Forum this pillar has been an old iron box about 5-6 feet in height and providing a shelter to the miscreants and bad elements in the society for carrying out their illegal purpose. At the same time the same has not been used and under maintenance and supervision of the BEST Undertaking. Therefore, it has developed a potential to be used by the anti-social element and miscreants in the society. Therefore the complainant, admittedly a consumer has expressed his anxiety about this old iron box not in use posing a threat to the life and property of the complainant / consumer and the public at large moving around the said box.
- 10.0 This Forum cannot resist its temptation to express its utter surprise and anguish that in the first instant the concern IGRC of the Respondent BEST Undertaking did not care and bother to reply the complaint dtd. 26/03/2012 made to it by the instant complainant. Significantly, when the said complaint today was posted for hearing, the representative of the Respondent BEST Undertaking finds having not taken any efforts to at least read and make a submission on the basis of documents placed by the Respondent BEST Undertaking before this Forum. As such we find very callous and careless approach on the part of the Respondent BEST Undertaking in appearing and making submission before this Forum.
- 11.0 Despite the aforesaid pathetic state of affair, this forum on going through the documents placed before us by the Respondent BEST Undertaking finds that the said pillar during the site inspection carried on 26/06/2012 find to have been the old type of cast iron pillar with doors opening on both sides and located on footpath on Kalbadevi Road. The no. 109 has also been written insignificantly thereon. Pertaining to note that in the diagram of communication cable network there is no any mention of any such communication pillar at the said location.
- 12.0 We also find that site inspection being carried on 27/06/2012 by the O&M(CS) division to find out the said pillar's front door could not be opened due to paver blocks. All

the cables in this old cast iron pillar found to have been dead. The said department therefore submitted to approach the DESL(M). This department without placing any material before us submitted its opinion in letter dtd. 18/07/2012 about a possibility of using this pillar in strengthening of L.V. network or O&M(CS) Dept. / St. Ltg. Network.

- 13.0 We thus find that admittedly the said pillar has been the old cast iron box having front door blocked and having dead cables therein and not in use. As such presently *obsolete* and *otiose*. Having not submitted any material by the Respondent BEST Undertaking before this Forum as to how the said redundant pillar may be used for strengthening of L.V. network, we find ourselves unable to accept such ill-founded submission made by the Respondent BEST Undertaking. At the same time we find that if at all there is necessity of installing such pillar at the said place, the Respondent BEST Undertaking would be at liberty to do so. However, admittedly presently the said pillar has been out of use and redundant and therefore we uphold the grievance made by the complainant and find being liable to be redressed with.
- 14.0 In the aforesaid observation and discussion, we find the complaint under consideration liable to be allowed, accordingly we do so.

ORDER

1. Complaint no. S-C-152-2012 dtd. 11/06/2012 stands allowed.
2. The Respondent BEST Undertaking has been directed to remove the pillar no. 109 located on Kalbadevi Road within the period of one month from the date of passing this order and report the compliance within a fortnight there from.
3. Copies be given to both the parties.

Absent
(Smt Varsha V Raut)
Member

(Shri S P Goswami)
Member

(Shri R U Ingule)
Chairman