

		Date	Month	Year
1	Date of Receipt	13	09	2022
2	Date of Registration	14	09	2022
3	Decided on	06	10	2022
4	Duration of proceeding	15 days		
5	Delay, if any.	—		

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. B-466-2022 dtd.14/09/2022

Mr. Dil Mohd. Ansari

.....Complainant

V/S

B.E.S.&T. Undertaking

.....Respondent

Present

Chairman

Coram :

Shri S.A. Quazi, Chairman

Member

1. Smt. Anagha A. Acharekar, Independent Member
2. Shri S.S. Bansode, Technical Member

On behalf of the Respondent (1) : 1. Shri A.R. Talegaonkar

On behalf of the Complainant : 1. Shri Tahir Khan (Absent)

Date of Hearing : 27/09/2022

Date of Order : 06/10/2022

Same
Shri
Anagha

Judgment

- 1.0 The complainant has grievance about the Respondent's decision dtd. 04/05/2022 whereby the Respondent has asked the complainant to produce certain documents namely a) EEBP approved plan showing all applied premises, b) LOR/NOC issued by Planning Dept. for meter, with reference to the complainant's application dtd. 02/03/2022 for giving electric connection to the premises of the complainant.
- 2.0 The case of the complainant may be stated as under :
- a) The complainant had given application no. 503752 dtd. 02/03/2022 for getting separate electric connection under part of premises as there is one meter installed for the combined premises room no. 4 & 5 on 3rd floor. The landlord has kept meter for room no. 305 and told him to obtain separate meter for room no. 304, third floor, 34-Economic House, 1st Shayda Marg, Chinch Bunder, Mumbai - 400009. With reference to the said application, the complainant received a letter dtd. 04/05/2022 from the Respondent asking the complainant to produce the aforesaid mentioned documents. According to the complainant, there are already meters installed for other premises on the floor but the Respondent is not providing meter for his premises. However, now when the complainant has applied for separate connection, the Respondent is asking to produce the said documents, which according to the complainant is unfair on the part of the Respondent.
- b) According to the complainant as the Respondent is not giving separate electric connection to the premises of the complainant, the landlord has been supplying the electricity to the premises and on 23/08/2022 the Vigilance Dept of the Respondent had visited the premises and made vigilance claim for Rs.12,87,495/-. The landlord has paid the part of the said amount and has asked the complainant to clear the vigilance claim amount. According to the complainant, the above said conduct of the Respondent is illegal and unfair towards the complainant. It is submitted that the landlord has also given letter dtd. 16/02/2022 to the Respondent for giving the electric connection but the Respondent has not given the electric connection as requested. Therefore, the complainant has requested to this Forum to direct the Respondent to give electric connection to the premises without asking to produce the above said documents.
- 3.0 The Respondent has filed its reply before this Forum. Their case may be stated as under :


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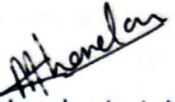
- a) The Respondent has appeared and filed its reply and has strongly opposed the aforesaid complaint before this Forum. The Respondent has admitted about filing of application for new connection by the complainant for the premises on 02/03/2022. The Respondent has also admitted that it has sent letter dtd. 04/05/2022 to the complainant for submission of the documents namely EEBP approved plan pertaining to the premises in question, LOR/NOC issued from Planning Dept. However, the applicant has not produced the said document. Due to non-compliance, the said request bearing no. 503752 dtd. 02/03/2022 was auto cancelled by OLCC system maintained by the Respondent on 14/05/2022. Thereafter, the Respondent has neither received any request to revise the cancelled requisition nor any fresh application for electric supply.
- b) According to the Respondent, the building in question in which the premises of the complainant is situated seems to be apparently unauthorized construction and in such background the investigation was done by the Respondent's officials. In the investigation, it was found that MCGM had issued notice u/s 354 (A) of MMC Act 1888 in respect of the said construction. The user of the premises in question is third floor of the building has also been changed as per the investigation. In such circumstances, the Respondent has taken stand that in such unauthorized constructed premises it would not be safe and proper to provide electricity unless the documents showing that it is authorized construction are produced. Therefore, the aforesaid documents have been asked to be produced from the Respondent which complainant has not produced. It is prayed in the reply that the instant complaint is liable to be dismissed.
- 4.0 The matter was scheduled to be taken up for hearing on 27/09/2022 at 14.00 hrs. The complainant and his representative were found absent when called for hearing. The office of this Forum has placed request letter received from the complainant dtd. 23/09/2022 received 26/09/2022 in the secretarial office of this Forum. We have gone through the said request letter. In the said letter, the complainant has requested to allow him to withdraw the aforesaid complaint. In view of this we find that the complainant may be allowed to withdraw his complaint with observation that if the complainant produces the documents required by the Respondent and makes necessary request for giving connection by filing fresh application or by filing application to revive his earlier application, electric connection may be given to the complainant if there is no any legal obstruction. Hence, we pass the following order.


Sam
Shankar
ofu

ORDER

- 1.0 The grievance no. B-466-2022 dtd. 14/09/2022 stands disposed off.
- 2.0 The grievance is disposed off, as withdrawn by the complainant, with observation that if the complainant files application for reviving his earlier application or files fresh application for new connection and complies the requirement of the Respondent regarding production of necessary documents, the Respondent shall be at liberty to give electric connection.
- 3.0 Copies of this order be given to all the concerned parties.


(Shri. S.S. Bansode)
Technical Member


(Smt. Anagha A. Acharekar)
Independent Member


(Shri S.A. Quazi)
Chairman