

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

(Appointed by the Maharashtra Electricity Regulatory Commission
under Section 42(6) of the Electricity Act, 2003)

REPRESENTATION NO. 54 OF 2021

In the matter of shifting of meter cabin

Nareshkumar Motilal Ahuja Appellant

V/s.

Adani Electricity Mumbai Limited (AEML)..... Respondent

Appearances:

Appellant : Nareshkumar Ahuja

Respondent : 1. Mritunjay Jha, Nodal Officer
2. Anurag Thatte, GM
3. Apeksha Jadhav, DGM
4. Sachin Tikekar, AVP


Coram: Deepak Lad

Date of hearing: 8th September 2021

Date of Order : 22nd September 2021

ORDER

This Representation is filed on 25th June 2021 under Regulation 19.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2020 (CGRF Regulations 2020) against the Order dated 26th April 2021


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passed by the Consumer Grievance Redressal Forum, Adani Electricity Mumbai Limited (the Forum).

2. The Forum, by its Order dated 26.04.2021 has disposed of the Grievance Application in Case No.5 of 2020. The Forum has observed that the prayer of the Complainant/ Applicant for the removal / shifting of three meters, meter cabin and underground electric cables from the site cannot be accepted since the Utility (AEML) had carried out the work of releasing new electric connection to the owner with due process of law.

3. Aggrieved by the order of the Forum, the Appellant has filed this representation which is stated in brief as under: -


- (i) The Appellant is a Commercial Consumer (A/c. No.150783330) since 05.07.2007 and is a legal tenant at Shop No. 5D, Plot No.559, Caridade House / D'Souza Building (now Ojas House), Next to Bharat Talkies, New Mill Road, Kurla (West), Mumbai. The Appellant is a law-abiding citizen having deep respect to the law of the land.
- (ii) The Appellant purchased the Shop No. 5D on 05.07.2007 and is an old tenant for about 14 years. On the other side, Mr. Kishor Popatlal Sawla alias Mr. Kishor Sawla Jain, Mr. Satish Amrilal Mehta and Mr. Rajkumar Shantilal Chhaplot (Landlords) purchased the 'Caridade House / D'Souza Building' (now Ojas House) on 28.03.2011 (almost 10 years) and became the New Landlords of the "Ojas House" since 2011. The Landlords tried their level best to grab the said shop of the Appellant either by hook or crook, so that the Appellant is forced to surrender the shop No 5D.
- (iii) All electric meters of the Shop Owners and Residents of the said premises are getting power supply from the existing meter cabin by distribution licensees (BSES, Reliance and AEML) in succession since inception on 01.09.1929. The Appellant states that there is an empty and sufficient space available to install five more electric meters in the existing meter cabin. The Landlords constructed new meter


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cabin (size 4' x 4' x 1') purposefully with ill- intention on the Wall of the Appellant`s shop to harass him. The Respondent had sanctioned and installed new electric meters [C.A. No. 152839119 (Room No. 10), C.A. No. 152892922 (Room No. 10 A) and 152892924 (Room No. 11)] of the Landlords in new meter cabin which is constructed on wall of his shop forcefully without any permission. This was possible to be installed in existing meter cabin and or alternate space available adjacent to existing meter cabin. The Appellant is unable to extend his lawful opening of the shop.


- (iv) The main grievance of the Appellant is removal and shifting of three commercial / industrial electric meters, electric meter cabin and underground electric cable from the wall of his shop No. 5D. The meters are to be shifted in the existing meter cabin (size 7' x 6'.5" x 1') since there is sufficient space available for installing 5 electric meters. Apart from this, adjacent to existing meter cabin, empty and sufficient space is also available to construct / erect another new meter cabin.
- (v) The Appellant submits that a huge fire had occurred in the existing electric meter cabin on 27.02.2015 on the ground floor at the south side of the building due to heavy consumption of illegal gold melting factory operated by the Landlords on the 2nd floor of the said premises. Fire Brigade, Mumbai has extinguished the fire which is in their record as well as Kurla Police Station. All the shopkeepers and residents of the building warned the Landlords that if they want to operate their gold melting factory then they have to shift their meters outside the cabin. Here, Landlords intentionally has not disclosed the fact of the electric fire and misguided the Respondent for further electric connections.
- (vi) The Appellant had no idea / intimation about when the Landlords submitted the applications for new electric connections to the Respondent. The Appellant never objected to it; however, he has made a written complaint to the Respondent against the construction of new electric meter cabin on the wall of his Shop No. 5D and subsequently also lodged a complaint with Police Station before the work order of


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the new meters was approved on 03.01.2020. However, nothing happened and new meters were installed on 07.01.2020.

- (vii) Mr. Ashok Bagwe, Senior Manager, East Division of the Respondent, intentionally made propaganda that the Appellant has taken objection for sanction of new electric connections, however, it was not so. He diverted the original subject matter for the reasons best known to him. Till date, the Appellant had never opposed / raised any kind of objection at any point of time that not to give electric connections to the Landlords. Similarly, the Appellant had never opposed the functioning of the Respondent as per the Rules and Regulations of the Central Electricity Authority and Maharashtra Electricity Regulatory Commission (the Commission) as per the provisions of the Electricity Act, 2003 (the Act).
- (viii) The Appellant is in continuous follow up with the Respondent for removal of meter cabin from 10.11.2019 up to 25.06.2021 through almost 460 reminders in a period of more than one and a half year.
- (ix) The Appellant submits that Mr. Lal Hariram Valecha (Licensed Electrical Contractor, LEC / MC No. 4669, M/s. Lal Electric Corporation) intentionally done malpractice in the interest of the Landlords who proposed new meter cabin for construction on the Appellant's wall without taking 'no objection certificate'. Mr. Lal Hariram Valecha submitted false Test Report of the Landlords' installation to the Respondent.
- (x) The Appellant has already submitted his relevant documents with the Respondent stating his legal tenancy / occupancy before sanctioning the work order on 03.01.2020.
- (xi) When Complaint of the Appellant regarding construction of meter cabin was on hold, the Respondent, Mr. Ashok Bagwe illegally supported the licensed Electrical Contractor. Both succeeded to achieve the permission from MCGM (Maintenance / Road and Traffic Department) for excavation of the road on 18.12.2019 for laying the Cable from Mini Pillar to Meter Cabin on the Wall of Shop No. 5D. Due to this, the Appellant will not be able to extend the shop shutter in future.



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- (xii) The Appellant pointed out that the Respondent has not complied safety issues of newly constructed Meter Cabin which is surrounded by various drainage pipes and or water pipes. The Respondent is binding to follow the rules of safety, however, the Respondent failed to do so as particular gap was not maintained between Meter Cabin and Shop Shutter / Water Pipe / Sewerage – Drainage Pipe.
- (xiii) The Appellant also states that the Engineer (Maintenance / Roads & Traffic Department), L Ward, MCGM supported the Respondent's officers in a wrong way.
- (xiv) The Appellant filed the grievance in the Internal Redressal Cell (IGRC) on 03.12.2020. The IGRC, by its order dated 28.01.2021 has rejected the grievance. Officers of the IGRC were prejudiced and not given any justice to the Appellant.
- (xv) The Appellant narrated the complaint events as follows:
- (a) The first Complaint is lodged on 10.11.2019 against the illegal construction of meter cabin on the wall of his Shop.
 - (b) Landlords' Letter submitted on 13.11.2019.
 - (c) Work Order was passed on 03.01.2020.
 - (d) Landlords filed eviction Case No.: R.A.E. Suit No. 37 of 2020 - CNR No. MHSCA20000642020 (Before the Hon'ble 19th Court, Small Causes Court at Mumbai) on 08.01.2020 to evict the Appellant from the Shop No. 5D and grab the property, which is their ultimate aim.

The above dates itself proves that the Landlords are playing dirty game with everyone as a conspiracy along with the Appellant and straightway wasting the precious time of everybody with no defense.


- (xvi) In addition, the Appellant also highlighted the background of the Landlords especially Mr. Kishor Sawla Jain alias Mr. Kishor Popatlal Sawla who was arrested red handed by the Central Bureau of Investigation - Anti Corruption Branch on 29.03.2001 while giving bribe of Rs. 10,00,000/- to Mr. Tapas Sikander (the Superintendent of Customs, Central Custom and Excise, Government of India). Mr. Tapas Sikander + 7 others including Mr. Kishor Sawla Jain alias Mr. Kishor Popatlal Sawla all were behind the bars i.e. in jail custody and remand, order issued


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by the special court – Special Justice Mr. A. R. Joshi on charge of I.P.C. u/s. 120-B, 420 and Anti-Corruption Law under section 7 & 13.

- (xvii) The Appellant had also taken this issue of illegal construction of meter cabin and safety as well as filed complaint against Ashok Bagwe of the Respondent with the Santacruz Inspection Department of Industries, Energy and Labour Department, Government of Maharashtra. Mr. Ashok Ganapati Kanse, Electrical Inspector (EI) conducted hearing on 03.02.2021 and Order passed on 16.02.2021 which is against the Appellant. The conduct of the EI in this matter is highly unprofessional and doubtful. Video / Voice recording is the only strong evidence for legal action against him. The EI, Mr. Kanse has not acted impartially, and discussed non-technical points in his letter. During the personal hearing, Mr. Ashok Bagwe (Senior Manager, East Division, AEML) did not utter a single word for which he was officially called for, but he was sitting mum aside like a spectator in the cabin on the order and direction of EI.
- (xviii) The Appellant approached the Forum on 19.04.2021 and the Forum, by its order dated 26.04.2021 has rejected the grievance application. The Forum failed to understand the basic issue.
- (xix) The Appellant stated that wall of shop No.5D is the private property of legal tenant / occupier hence, the Respondent is duty bound to take no objection certificate from the legal tenant / occupier. The Respondent cannot escape from the legal steps in future.
- (xx) Under which Act / Section / Regulations did the Respondent permit/ sanction the second service cable, in the same building on the North side of the Ojas House which was not at all required in that place?
- (xxi) When the Respondent as per rule is not liable and does not have any liability for any claim, loss, damage (fire / lightning / earthquake / accident / shock etc.) or compensation including any consequential loss is restricted to the provisions of the MERC (Standards of Performance) Regulations then why AEML is unnecessarily harassing the Appellant by not resolving the issue.


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- (xxii) The grievance is based on technical grounds and seeks redressal of the same is requested in this Representation.
- (xxiii) In view of above, the Appellant prays that the Respondent be directed to:
- (a) remove / shift three commercial / industrial electric meters, meter cabin and underground electric cable from the wall of shop No. 5D of the said premises without any delay.
 - (b) investigate and inquiry of following persons
 - (i) Mr. Kishor Popatlal Sawla alias Mr. Kishor Sawla Jain and Others,
 - (ii) Mr. Lal Hariram Valecha (Licensed Electrical Contractor, M/s. Lal Electric Corporation, LEC / MC No. 4669, Kurla (West), Mumbai) + Supervisor + Wireman.
 - (iii) Mr. Ashok Ganapati Kanse (The Electrical Contractor, Santacruz inspection Department, Industries, Energy & Labour Dept., Govt. of Maharashtra) and Others.
 - (iv) Mr. Ashok Bagwe (Senior Manager, East Division, Mrs. Apeksha Jadhav (Dy.G.M., IGR Head, East Division, Mr. Jaypal Vadgave, Mr. Anurag Thatte (G.M.),
 - (v) Mr. Santosh Gonbhare (East Division, IGR Cell, AEML). Mr. Mritunjay Kumar Jha [Dy.G.M. (Legal) & Nodal Officer,
 - (vi) Mr. D. W. Deshpande (Chairperson, Forum, Mr. Ashish Khedkar [Vice President (A.E.M.L.) – Member, Forum,
 - (vii) The Chief Engineer (Roads & Traffic Department), M.C.G.M. /The Executive Engineer - Personal Chief Engineer (Roads & Traffic), M.C.G.M. / The Deputy Chief Engineer (Roads) Eastern Suburbs, M.C.G.M.
 - (viii) The Assistant Engineer *Maintenance Deptt., ‘L’ Ward, MCGM in connection with handling of Appellant’s Complaint.


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4. The Respondent AEML filed reply vide its letter dated 15.07.2021 which is in brief as under:
- (i) The Appellant has filed present Representation in Grievance No. 05 of 2020 inter-alia related to (a) removal / shifting of three (3) commercial / Industrial Electric meters; (b) Meter Cabin; (c) Grounded electric cable from the wall of shop No. 5D, Plot No. 559, Ojas House, New Mill Road, Kurla (W) Mumbai.
 - (ii) At the outset, the Respondent repudiates entire allegations as made by the Appellant as the same is unfounded and nothing shall be deemed to be admitted unless same is specifically admitted hereunder.
 - (iii) The Appellant himself has mentioned that his complaint is against
 - AEML
 - Industries Energy & Labour Department, Government of Maharashtra
 - Landlords of Ojas House and Partners of M/s Ojas Enterprises

The Forum in its order at Para No. 27 has observed that


“Lastly, the Complainant / Applicant has not made the owner / landlord of the property M/s. Ojas Enterprises in the grievance as a party Respondent in the grievance. The landlord / owner of the building is the necessary party because he is the owner of the building and on his application, the process of supplying industrial / commercial meters and the laying service cables was initiated by the Utility (AEML). So, in our opinion, the present grievance is also hit by the non-joinder of the necessary party (landlord/owner of the building)”.

The Appellant did not take necessary steps to incorporate the landowners as party respondent; and therefore, the present appeal is liable to be rejected solely on the ground of non-joinder of necessary party.

- (iv) It is submitted that in Para No. 27 of the impugned order, the Forum has after due consideration of the submissions made by the parties and documents available on records observed that

“The wall adjoining to the tenanted shop 5-D, is the tenanted wall is not prima facie established by the Complainant / Applicant. This Forum cannot go into the question of the tenancy.”


Meaning thereby the issues/ disputes pertaining to and between the landlord and tenant to be filed and contested before the Competent Court having jurisdiction to


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decide such issues and not before the Forum and / or before this Hon'ble Authority.
As such, the present representation is liable to be rejected on this ground.

- (v) The Respondent repeats and reiterates the contents of reply filed by it before the Forum and the same may kindly be treated as part and parcel of the present reply. It is submitted that the detailed facts of this case are not repeated here for the sake of brevity.
- (vi) That, the following pointed submissions are imperative for the proper adjudication of the captioned Representation, and the same may be read in conjunction with the foregoing preliminary submissions, wherever the context so requires.
- (vii) That on 03.10.2019, the Respondent received new application form from M/s. Ojas Enterprises (Applicant – Landlords) for their premises at Room No. 10, 1st Floor for the said building along with required documents as per the process. Accordingly, site visit was conducted. During site visit it was observed that existing meter cabin is situated on ground floor of the building having no additional space for installation of new meters. Considering the load applied, it was observed that for installation of new meter it is required to reinforce the existing service cable. Since there was no possibility to modify the existing meter cabin, accordingly the Respondent requested the Applicant - Landlords to provide alternate location for the meter cabin. The Applicant - Landlords represented that he is the owner of the entire building and in support of his ownership the Applicant - Landlords submitted Property Card in the name of M/s. Ojas Enterprises to the Respondent. The Applicant - Landlords erected and provided the new space for meter cabin to the Respondent. A copy of revenue records of ownership of M/s Ojas Enterprises is kept on record.
- (viii) It is submitted that the space provided by the Applicant - Landlords is adequate for the purpose of installation, testing, commissioning, reading, and recording and maintenance of meters. It is pertinent to mention here that in response to the objection of the Appellant, the Respondent have issued various letters to him for submission of relevant documents in support of his contention however, the


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Appellant did not submit the same. It is submitted that Section 43 of the Act casts duty on the licensee to provide electricity supply on request. The Section 43 of the Act reads as under:

“Section 43. (Duty to supply on request): --- (1) I[Save as otherwise provided in this Act, every distribution] licensee, shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply:

.....”

Accordingly, in consonance of the provision of the Act and Regulations framed there under by the Commission, the meter of the applicant is installed.


- (ix) The Respondent submits that the Appellant has not made any attempts to challenge the installation or erection of new meter cabin by the applicant M/s Ojas Enterprise rather he has chosen to made personal allegations against the personnel of the Respondent. The official of the Respondent has carried out the works as a part of their duties and responsibilities under the due process of law. The imputations levelled by the Appellant are unfounded, scandalous, defamatory, gravely prejudice to us and casting aspersions, for this the Respondent reserves its rights to take appropriate legal actions. It is further submitted that the Appellant had also approached the EI for the same complaint. The EI in its letter dated 16.02.2021 which is on record, addressed to Chief Electrical Inspector mentioned that there is some dispute which is sub-judice and therefore he informed the Appellant that no action would be taken.
- (x) It is submitted that from the Court Proceedings, it is observed that in the said Suit, the landlord M/s. Ojas Enterprises seeks to recover vacant and peaceful possession of Shop No.5-D from the Appellant, also claimed the relief against Appellant to not to induct any third party in the said shop (5-D), also claims the ‘Mesne Profit’ at the Rs.30,000/- per month. Further, it is mentioned in the said suit that present Appellant is not in the use of the said premises since more than six months preceding the date of filing of the suit and also in arrears of rent and trying to create third party interest. An application was moved by the landlord to appoint a Court


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Commissioner in RAE Suit No. 32 of 2020. That the Court Commissioner visited the Shop 5-D on 30.01.2020 which is a disputed property in the Small Cause Suit 37/2020. According to the Court Commissioner, the said shop is closed and the shutter door is rusted. The shutter door appears to be embedded in the ground, due to which it cannot be opened easily. Adjoining to the suit premises there is an electric meter board affixed to the wall of M/s. Ojas House. The Court Commissioner opined that the suit premises is not in use. The report of the Court Commissioner report is on record.

- (xi) The Respondent submits that under the provisions of the Act and the Commission's Regulations for removal or shifting of meter / meter box, it is for the applicant to approach the Respondent with the consensus of the landlord /owner/consumer and fulfill the formalities which includes but not limited to providing a suitable space for meter / meter cabin. In fact, the Respondent have not received any application from the registered consumer (i.e. Ojas Enterprise) for shifting of meter cabin. In the event, the Appellant is having *inter se* dispute which is to be settled / resolved by the Court of competent jurisdiction. The Respondent being a distribution licensee is not the competent authority to resolve the same. It is pertinent to mention that the existing meter cabin is in safe conditions and there is no possibility of any incident except the conditions arising out of force majeure, which is beyond the control of the Respondent.
- (xii) The Respondent submits that, the Forum has passed reasonable detailed order after careful consideration of the entire facts, documents on records, details and submissions made by the parties and there is no infirmity in the impugned order, therefore it is humbly submitted that the order passed by the Forum does not warrant any interference.
- (xiii) The Respondent vehemently deny all allegations levelled by the Appellant against the various personnel of the Respondent as the same are false, unfounded and without any substance.



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- (xiv) The prayer of the Appellant is denied in toto. In fact, if the Appellant wish to shift the existing position of the meter cabin, then in such scenario, he should in consonance with the consumer / landlords approach the Respondent by filing of application and provide a suitable space for the shifting of meter cabin.
- (xv) In view of the above-mentioned facts and circumstances, it is most respectfully prayed that this Hon'ble Authority may be pleased enough reject the present Representation.

5. The Appellant filed its rejoinder dated 6th August 2021 in pursuance to the reply of the Respondent is nothing but more or less repetition of its original submission and therefore, not captured to the extent of repetition though some important points are taken in brief as under: -

- (i) Upon perusal it is found that all the grounds raised in the reply of the Respondent dated 15.07.2021 are hereby denied generally and specifically and is totally unacceptable, highly objectionable, and liable to oppose it. It appears that the reply is without proper application of mind, without due diligence on technical issues and the content in Schedule B submitted by the Appellant.
- (ii) The EI has washed his hands off the case and has not at all dealt the issue in proper perspective which is the duty cast on him.
- (iii) IGRC, and the Forum also appear to have erred in adjudicating the issue on technical grounds which is the essence of this case.
- (iv) During the hearing at Forum, Mr. Mritunjay Jha tried to safeguard himself, Mr. Ashok Bagwe, the Licensed Electrical Contractor, Mr. Lal Hariram Valecha and the Landlords.
- (v) There is no propriety of making Landlords or owners of the premises the necessary party at Forum as well as at the Appellate Forum (Electricity Ombudsman, Mumbai) as alleged by the Respondent. Therefore, the representation does not suffer from non-joinder of the Landlords.



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- (vi) The eviction proceeding in RAE Suit No. 32 of 2020 has nothing to do with the instant case. The Respondent is trying to misguide the authorities on this ground.
- (vii) When sufficient suitable space elsewhere in the premises was available, there was no propriety to have fixed the meter cabin and the meters (details given below) which the Appellant requested for shifting.

Sr. No.	C.A No.	Room No.	Meter	Connected Load	Tariff Category
1	152839119 Three Phase	10	9116813	14.80	LT II (A)
2	152892922 Three Phase	10 A	9103767	11.80	LT II (A)
3	152892924 Single Phase	11	10629112	1.00	LT II (A)

- (viii) Respondent's delay of total three months in issuing work order and release of connection after receipt of the application for new connection from the Landlords indirectly proves that the Appellant has raised objection for fixing of new meters in the said meter cabin.
- (ix) The Appellant mentioned only facts, but never made personal allegations as there is no personal bias. Writing the facts for getting fair justice in the Complaint / Grievance / Representation doesn't mean the imputations levelled by the Complainant / Appellant are unfounded, scandalous, defamatory, gravely prejudice to the Respondent and casting aspersions.
- (x) The Appellant hereby brings to the notice of the Hon'ble Authority that the Respondent has already installed meters in some other building namely Plot No. 297, Satyajeevan Co-op. Housing Society Ltd., LBS Marg, Kurla (West), Mumbai and Plot No. 99 B, Radha Damodar Niwas, Pipe Road, Kurla (West), Mumbai at the landing of the staircase which can be conveniently adopted in the instant case.
- (xi) The wall on which the meter cabin with meters is fixed is that of a tenanted premises of the Appellant and he has right to object to the installation of electrical fixtures.


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6. The e-hearings scheduled on 13.08.2021 and 25.08.2021 were postponed at the request of the Appellant. Finally, physical hearing was held on 08.09.2021 after consent of both the parties by observing Covid-19 epidemic appropriate behaviour.


7. During the hearing, both the parties argued at length which was in line with their respective written submissions. The undersigned asked the Respondent as to whether the disputed meter cabin can be shifted to the place shown by the Appellant through photographs. The Respondent informed that it will not be appropriate to shift the meter cabin to the new place shown by the Appellant as the space availability on the wall is very less besides it will involve shifting of cables. The undersigned also asked the Appellant if he happens to be a tenant on the first / second floor of the building and the meters cannot be installed at the landing of the staircase, then will it not be appropriate to fix the meters on the wall of the ground floor premises. He chose not to reply to this query.

The Appellant further argued that the disputed meter cabin is causing hindrance to his future plans and hence, he is requesting for the shifting of the meter cabin and meters. In the same breath, the Appellant argued that legal case filed by the Landlords, report of the Commissioner of the Court has nothing to do with the instant matter as the issues are distinctly separate, and he has right to protect his own interest at the tenanted premises.

8. The Respondent argued that the place for the so-called disputed meter cabin has been fixed in due consultation with the Landlords before release of connections. However, on the query of the undersigned as to whether the meters could be shifted on staircase landing, the Respondent argued that it is ready to shift the meters if the Appellant who is a tenant and the Landlords of the premises jointly suggest suitable place subject to technical feasibility.

Analysis and Ruling

9. Heard the parties and perused the documents on record. The electricity connections in the disputed meter cabin were released by the Respondent on the application of the Landlords of the


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premises. The site of this meter cabin was jointly decided by the Landlords and the Respondent after verifying technical feasibility. The Appellant is a tenant of the Shop No. 5D under the *Pagdi System*. He has objected for fixing the meters on the outer portion of the wall which forms a part of his shop. However, considering the various aspects, the Respondent has installed the newly sanctioned meters in the said meter cabin.

10. In order to decide the case amicably, the Respondent was asked as to whether the meters can be shifted on the alternate site shown by the Appellant. The Respondent informed that the site suggested by the Appellant is not only technically not feasible but is not appropriate size wise also to accommodate the meters. Then the Respondent was further asked if the meters could be shifted on the landing of the staircase of the premises, as is done by it at some other buildings, the Respondent said that it is ready to shift if the Landlords and the Appellant jointly suggest such space which shall be subject to technical feasibility.

11. From bare perusal of the case, I am of the opinion, that the dispute if not amicably resolved between the Landlords and the Appellant and for that matter with the Respondent in picture, it is a matter of adjudication to decide the legal rights of a tenant vis-à-vis the Landlord with respect to the outer part of the wall of a rented premises on which the disputed meter cabin has been fixed. Therefore, to decide such rights, the undersigned is not the competent authority being a Civil matter which require consideration of elaborate documentary and oral evidence.

12. The matter was referred to the Electrical Inspector of the area by the Appellant. The EI disposed of the case without any observation on technical issues, as the matter was sub-judice. In this regard, the Appellant argued that the Court case has nothing to do with deciding the matter on technical issues, safety, etc. by the EI.

13. In view of this, I do not find it necessary to interfere with the order of the Forum. However, this does not debar the Appellant and the Landlords jointly to suggest an alternate space for shifting the meter cabin, to the Respondent who has consented for the same subject to technical feasibility.



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14. While parting with the order, I take strong objection to the submission of the Respondent which is captured above that it *“repeats and reiterates the contents of reply filed by it before the Forum and the same may kindly be treated as part and parcel of the present reply”*. This has been brought to the notice of the Respondent in the earlier proceedings of various other Representations where it was the party. This being the Appellate Authority and the Appellant makes a representation, the Respondent ought to submit its reply afresh. The Respondent is therefore cautioned to avoid such submission in future otherwise it will be treated that the Respondent has nothing to say.

15. The Representation is disposed of accordingly.

Sd/-
(Deepak Lad)
Electricity Ombudsman (Mumbai)


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Secretary
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