

**BEFORE THE FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES  
RELIANCE INFRASTRUCTURE LIMITED**

**Sr.No. 04/2015 Mohamed Nasim Jamal Patel, Shop No.2, A.K.Plaza, Opp. MTNL Telephone Exchange, Goregaon West, Mumbai 400 062.**

**A/c.No. 151174412 / 151175686, Central Division, LT-II (a).**

**Minutes of the Meeting dated. 16<sup>th</sup> January, 2016.**

**PRESENT**

1. Mr. Vilas S Dikshit,- Chairman
2. Mr. Rajiv Nakhare, Vice President (RInfra) - Member
3. Mr. Satyanarayan Rajhans, Member

**On behalf of M/s. Reliance Infrastructure Limited**

- 1.Mr. Mritunjay Jha, Sr.Manager (Corporate Legal) Nodal Officer
- 2.Mr. Rupesh Talekar, Dy.General Manager,CCC Head, Central Division.

**On behalf of Consumer**

- 1.Mohamed Nasim Jamal Patel
- 2.Mr.Tekchand K (Representative)

The present grievance application came to be filed by Mr. Mohd. Naseem Jamal Patel. This matter came before this forum as the applicant is aggrieved by the orders passed by the IGR.

Facts giving rise for filing the grievance application in short are as follows:-

After the perusal of the complaint application it appears that the applicant was having one shop situated at Shop No. 2, A.K.Plaza, Opp. MTNL Telephone Exchange, Goregaon West, Mumbai 400 062. It also appears that the agreement took place between him and one builder and it was agreed upon that after the redevelopment the builder will give one shop to him. After the perusal of the complaint it appears that as

per the agreement the applicant was to be given one shop called shop no. 2. It is his grievance that after going through the records of MCGM he was allotted 2 shops and 2 separate meters were installed in the premises called 2A and 2B. It is the contention of the applicant that there should be only one meter as per the agreement.

The applicant moved an application in order to ascertain this fact as to how 2 meters came to be installed. He requested by IGR to give details of the above meters - such as the application for installation for 2 meters with supporting documents and consumption details right from the date of installation.

Mr. Mritunjay Jha, Nodal Officer filed the reply on behalf of Rlnfra. He opposed the application on various grounds.

At this juncture the representative of the applicant submitted that they have not received the copy of the reply filed by the nodal officer. The nodal officer submitted that he sent the copy of reply by courier on the address given by the applicant. Whatever this may be, in order to give fair opportunity, this forum directed the nodal officer to give copy of the reply to the applicant and accordingly the nodal officer supplied the copy of the reply to the applicant before this forum only. However, the nodal officer submitted that he has forwarded copy of reply to the applicant and his office is having the copy of the receipt of courier service. He also showed the photo of the receipt of the said courier service from his mobile. The representative of the applicant submitted that he may be allowed to go through the reply and the matter may be adjourned for half an hour. Accordingly the matter was adjourned for half an hour and it was once again resumed after he had gone through the reply.

We have heard Mr. Tekchand, the representative of the applicant, Mr. Jha, the Nodal officer, and Mr. Rupesh Talekar on behalf of Rlnfra.

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The representative of the applicant drew our attention towards the Preamble of the electricity act 2003. It reads :- **"An Act to consolidate the laws relating to generation, transmission, distribution, trading and use of electricity and generally for taking measures conducive to development of electricity industry, promoting competition therein, protecting interest of consumers and supply of electricity to all areas, rationalization of electricity tariff, ensuring transparent policies regarding subsidies, promotion of efficient and environmentally benign policies, constitution of Central Electricity Authority, Regulatory Commissions and establishment of Appellate Tribunal and for matters connected therewith or incidental thereto."**

The representative of the applicant submitted that it is specifically mentioned in the preamble that the interest of the consumer to be protected.

The representative of the applicant also drew our attention towards the interpretation clause 21 from electricity supply code. It reads : - **" This regulation shall be read and construed as being subject in all respect to the provisions of the act and to the provisions of any other applicable law relating to the supply of electricity for the time being in force".**

It is almost established principle of law that preamble is a part and parcel of the act and it should also be taken into consideration and there cannot be any dispute about this. However, if we see the interpretation clause which says that this regulation shall be read and construed as being subject in all respect to the provision of the act and to the provision of any other applicable law relating to the supply of electricity for the time being enforced.

Needless to say as per interpretation clause all the provisions of the Act are required to be considered.

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Mr. Tekchand the representative of the applicant admitted that he is not asking information under the Right to Information Act. He fairly submitted that he is aware that right to information is not applicable in present case. In view of his submission this forum is of the opinion there is no necessity to go in that aspect.

Admittedly the applicant was in possession of one shop and there was only one connection bearing no. K00333191. He was running business under the name as Eden Auto Service. It appears that he entered into an agreement with the owner who wanted to develop this property. This agreement is with respect to provide the alternate accommodation.

During the course of argument it was submitted that once the structure is demolished the agreement between the old consumer and the distribution licensee comes to an end. It is also submitted that after the property is developed by the developer / builder he moves an application for the new connection and the new connection is allotted to him on the basis of the documents supplied by him.

During the course of argument it was submitted that after the development the builder moves an application for the electric connections and as per the plan various meters are given. In the present case it appears that connections were given as per the above process. It is the grievance of the applicant that 2 separate connections are given to his premises and he is in need of the documents which the builder has submitted to RInfra at the time of moving the application.

It is the contention of the nodal officer that this complaint cannot be entertained by this forum and it cannot be treated as "grievance" within the definition of "grievance" mentioned in Regulation 2.1 (c). For the sake of convenience we are reproducing the definition of the grievance referred above.

**" Grievance means any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which has been undertaken to be**

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***performed by a Distribution Licensee in pursuance of a licence, contract, agreement or under the Electricity Supply Code or in relation to standards of performance of Distribution Licensees 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."***

Admittedly, in the present case the applicant is in need of the documents which the builder filed at the time of moving an application for new electric connection to the newly developed structure. If this fact is taken into consideration this forum is of the opinion that the present dispute will not come within the definition of "grievance" mentioned above.

The nodal officer submitted that RInfra is not duty bound to supply any document filed by the builder at the time of moving an application for new connection because they cannot give any document to the third party. On the other hand it is contention of the applicant that he should not be treated as third party because the original meter was in his name.

In the present case the applicant is seeking information regarding the documents filed by the builder after the development of the building.

As already mentioned that it is the contention of the nodal officer that once the structure is demolished the agreement between the said consumer and the company comes to be terminated. He also submitted that after the building is developed the builder or developer who moves an application for new connection is treated as a consumer and the electric connection is given accordingly.

In the present case it appears the applicant moved an application for change of name in 2010 with respect to these 2 meters and the names were changed accordingly. The

nodal officer fairly submitted that after 2010 the present applicant can be considered as their consumer but not before 2010. And hence before 2010 the applicant being third party, they cannot provide any document to him submitted by the builder / developer. If this fact is taken into consideration there does not appear any provision which gives right to this forum to give direction to company to supply the documents filed by the third party. Hence this forum is of the opinion that it will not be just and proper to give direction to supply any document filed by the builder or developer which was certainly before 2010.

This forum is of the opinion that this case is mainly a dispute between applicant and builder.

In view of the above observations this forum is of the opinion that the present application is not maintainable before this forum and deserves to be disposed off.

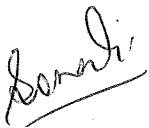
In view of this the following order is passed.

Application is disposed off.

**Dated: 16.1.2016**

**MIDC, Mumbai**

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**Vilas S Dikshit,**  
**Chairman - CGRF**

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**Rajiv Nakhare**  
**Member - CGRF**

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**Satyanarayan Rajhans**  
**Member - CGRF**