

BEFORE THE FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES  
ADANI ELECTRICITY MUMBAI LIMITED  
1<sup>st</sup> Floor, Devidas Lane, Off. S.V.Road, Near Devidas Lane Telephone Exchange,  
Borivali (West), Mumbai - 400103.  
E-mail : [Consumerforum.Mumbaielectricity@adani.com](mailto:Consumerforum.Mumbaielectricity@adani.com)  
Website : [cgrf.adanielectricity.com](http://cgrf.adanielectricity.com) Tel.No.:022-30094247

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Grievance Application No. 01/2019 Date : 04/04/2019

Mr. Joseph Paul Colasco, Uttamwadi, Near Babar Pada, Uttam Gorai Road,  
Opp.Sawantwadi, Borivali West, Mumbai 400091.

C.A.No. 152135992 Residential, North Division

Mr. Joseph Paul Colasco ..... Applicant / Complainant

Adani Electricity Mumbai Ltd. (AEML) ..... Respondent/Utility

Order dated 24 /06/2019

**PRESENT**

1. Mr. Vilas Dikshit, Chairperson.
2. Mr. Rajiv Nakhare, Sr.Vice President (Adani Electricity Mumbai Ltd.) – Member.
3. Mr.Milind Gandbhir – Member , (CPO).

**On behalf of Adani Electricity Mumbai Ltd.(AEML)**

1. Mr.Mritunjay Jha, (Dy.General Manager ) Nodal Officer
2. Mr.Ankush Kamble, Addl.Vice President,AEML
3. Mr. Satish Kasbe,General Manager, AEML

**On behalf of Applicant / Complainant**

1. Mr.Khemchand Rajbhar (Representative of the Applicant/Complainant)

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Adani Electricity 'AEML)

Being aggrieved by the Minutes of the Meeting of IGRC ( Internal Grievance Redressal Cell ) dated 13/02/2019 , the Applicant/Complainant has filed his grievance in this Forum regarding delay in releasing estimate and meter connection .

**Contention of the Complainant / Applicant in short:**

- i. It is submitted by the Applicant / Complainant that he has been staying at the above mentioned location prior to year 1976 and is a permanent resident at the same location.
- ii. Further he stated that the Controller of slum, Bombay and B.S.D. have, vide their census letter no.DOS/WS/IV/48 dated 20/02/1980 issued the structure no. as RX 15-1/1 to the above premises. Hence, he claims his premises structure is not unauthorized.
- iii. Further the Complainant / Applicant stated that after applying for new connection to his structure at the office of the Respondent/Utility ( the then Reliance Infra and now Adani Electricity Ltd.) in August'2015 has issued a B.P. No. 906033905 against his application for new service.
- iv. The Complainant / Applicant also stated that the Utility/Respondent has asked him to get the permissions from Chief Conservator and Director of forest, Sanjay Gandhi National Park and Chief Conservator of Forests and Mangroove Cell Head, Bandra for releasing new supply to his premises.

**Contention of the Nodal Officer of Respondent (AEML)**

- v. The Nodal Officer submitted that the complainant has filed present new connection related grievance under commercial category applied

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by him for his premises Colasco Wadi, Near Babarpada, Opp. Sawant Wadi, Uttan Gorai Road, Borivali (W), Mumbai and seeking compensation for the alleged delayed period.

- vi. It is submitted by the Nodal Officer that consumer has no locus standi for filing the grievance before this Hon'ble Forum for not being the registered consumer of the Respondent.
- vii. It is the contention of the Nodal Officer that the Respondent submitted that upon applying for new electric connection for his aforesaid premises on 22/07/2015 by the Complainant, the site verification was conducted on 25/07/2015. During the site verification it was found by the Respondent that the area for which the meter has been applied by the Complainant is having dense forest and hence it was presumed that it might come under CRZ / Mangrove / Forest area. The Respondent, hence, wrote letter/s to the various authorities for clarification of the same and to seek their guidance in this regard.
- viii. The Nodal Officer submitted that the Revenue Officer of Bhayandar wrote the Respondent on March'2017 not to release electric supply in Government land, Mangroves and CRZ. Further as per the Respondent's understanding the premises of the Applicant/Complainant falls within less than 500 Meter from HTL of Gorai beach and hence, the Respondent asked the Applicant/Complainant to get permission from MCZMA. Relying on the various communications from MCZMA and their stand on such issues, the Respondent asked the Applicant/Complainant to provide the NOC of the land owner, who, in this matter, is Maharashtra Tourism Development Corporation (MTDC). The property, for which

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the electric meter connection is sought by the Applicant/Complainant belongs to Maharashtra Tourism Development Corporation (MTDC) as per the entry made in 7/12 extract of the Government of Maharashtra Land and Revenue Department.

- ix. Further it is submitted by the Nodal Officer that the Respondent received one letter on 01/08/2018 from Maharashtra Tourism Development Corporation (MTDC) addressed to the Applicant/Complainant that he has done encroachment on Government land and they instructed the Applicant/Complainant to remove the encroachment from their plot.
- x. The Nodal Officer has denied all the allegations made by the Complainant and submitted that the Respondent have acted in accordance with the law and there is no delay on part of the Respondent in any way as alleged by the Applicant/Complainant and hence, the demand of penalty or compensation as claimed does not arise.

Heard the representative of the Applicant/Complainant, the representatives of the Utility/Respondent and the Nodal Officer.

1. From the submission made before us, it appears that after the Applicant/Complainant applied for the electric connection, the representative of the Utility/Respondent asked the Applicant/Complainant to bring NOC from BMC, from the Chief Conservator of Mangroves Cell, from MCZMA and ultimately, the Applicant/Complainant was asked to bring NOC from MTDC and now the matter is held up for obtaining the NOC from MTDC. Under these circumstances, the only question which requires to be decided is whether there is any justification for asking the Applicant/Complainant to bring NOC from the MTDC.

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2. During the course of hearing, the representative of the Applicant/Complainant submitted that his structure is there since year 1976. He also submitted that the Controller of Slum, Bombay and G.S.D. have given census certificate to his structure under No.RX-15-1 on 20/01/1980. It is his contention that on the basis of this Census Certificate, the Distribution Licensee can give meter connection to his structure. On the other hand, the representative of the Utility/Respondent and Nodal Officer drew our attention to the 7/12 extract of the land on which this structure is situated. After perusal of this 7/12 extract, it clearly appears that the name of MTDC is noted in the said 7/12 extract. Apart from this, there is also one document on record i.e. property card which is on page no.15 . This document also goes to show that the said land in question on which the structure is situated is in possession of MTDC. Not only that this land comes under 'Non Development Zone'. From these two documents i.e. the 7/12 extract and the property card, we feel that there is some substance in the submission of the representative of the Utility/Respondent and Nodal Officer. Apart from this, there is also one document on record which is a letter dated 1<sup>st</sup> August,2018 written on behalf of MTDC addressed to Mr. Joseph Paul Colasco. This letter is marked as 'Exhibit A' along with the reply of Nodal Officer. If we see the contents of this letter, it clearly goes to show that the MTDC has informed the Applicant/Complainant that the said land in question is in the name and possession of MTDC and the Applicant/Complainant has unauthorizedly made the encroachment on that land. The Applicant/Complainant is also directed to remove the said encroachment within 7 days otherwise criminal action will be taken against him. From this letter also it appears that the said land in question is in the name and possession of MTDC and the Applicant/Complainant has been made an encroachment unauthorizedly. Hence, we feel that there is some substance in the contention of the

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representatives of the Utility/Respondent asking the Applicant/Complainant to bring NOC from MTDC. Even for the sake of argument, it is presumed that the structure of the Applicant/Complainant is there since year 1976 i.e. prior to the said land came in possession of MTDC, the fact remains that it is an unauthorized construction by making unauthorized encroachment on govt's land. Considering the facts that at present, the said land is in the name of MTDC and it is in their possession, we are of the opinion that It will not be just and proper on our part to give direction to the Utility/Respondent to provide electricity to the Applicant's/Complainant's premises. We are of the opinion that the present application is devoid of the merits and deserves to be dismissed. In view of this, we are of the opinion that there is no question of paying compensation to Applicant/Complainant. Hence, the following Order is passed.

**ORDER**

1. The application stands dismissed .
2. No order as to cost.

**Dated : 24<sup>th</sup> June'2019**

**Place : Borivali, Mumbai**

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*sd/-*  
Vilas Dikshit  
Chairperson - CGRF

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Rajiv Nakhare  
Member - CGRF

*sd/-*  
Milind Gandbhir  
Member - CGRF