

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.

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Grievance Application No. 34/2018 Date : 14/01/2019

Mrs. Krushni Jayram Jadhav. Room NO.23, Barkya Madhu Chawl, Naushad Tekdi, Kurar  
Village, Malad (East), Mumbai-400097.

C.A.No. 152621626, Residential, Central Division

Mrs. Krushni Jadhav ..... Applicant / Complainant

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

Order dated 27/02/2019

**PRESENT**

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


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

1. Mr.Mritunjay Jha, (Dy.General Manager ) Nodal Officer
2. Mr.Lokesh Raut ( General Manager), Central Division
3. Mr.Anant Temkar, (Manager) Central Division

**On behalf of Applicant / Complainant**

1. Mr. Shantilal Patel( Representative of the Applicant/Complainant)

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Being aggrieved by the Minutes of the Meeting of IGRC ( Internal Grievance Redressal Cell ) dated 07/01/2019 , the Applicant/Complainant has filed her grievance in this Forum stating about delay in issuing estimate and electricity supply.

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

- i. It is submitted by the Applicant / Complainant that she with her family is in occupation in the premises at Room No.23, Barkya Madhu Chawl, Naushad Tekdi, Kurar Village, Malad (East), Mumbai-400097, from 10/06/2004 and the room is in existence prior to that. She had submitted the documents before the Respondent company alongwith application on 09/06/2018.
- ii. It is further submitted by the Applicant / Complainant that during the site verification the representatives of the Respondent had found that the premises comes under jurisdiction of Forest Department and the Applicant/Complainant required to produce the N.O.C. from Forest Department for getting electricity supply from Respondent Company at her premises. This was informed to her vide Respondent Company's letter no.CZ/CPART/06/2017/1 dtd. 15/06/2018.
- iii. The Applicant / Complainant submitted that she had applied to various departments under RTI Act,2005 through her representative Mr.Shantilal Patel and also collected 7/12 & 6/12 Extracts from Tahsildar and come to know that the owner of the land is M/s.Dinsha Trust and Ms.Mangalabai Koti is kabjedar of the said land from Pimpri Pada to Appa Pada. This was informed to the Respondent Company with the documents but yet she was not been provided the electric supply. Hence, the Applicant/Complainant had filed IGR on 08/11/2018. In the IGR, the Applicant/Complainant had also stated that the Respondent Company has provided several new meter electric connections to the occupants ( having CA Nos. 151134680, 151144436, 151160271, 151165566 ) of the same area without the NOC from Forest Department.

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- iv. It is the contention of the Applicant / Complainant that the AEML company has wrongly mentioned in the Minutes of IGR that she has applied for separate meter connection for ground floor whereas she has applied for additional meter connection by sub-division of load for residential purpose.
- v. The Applicant / Complainant further stated that during IGR her representative had asked the IGR officers whether the Forest Department has refused the electric supply to the Applicant/Complainant's premises. This was not mentioned in the IGR minutes. In IGR minutes it is mentioned that M/s.Dinsha Trust is Kabjedar and Ms.Mangalabai Kori, an Adivasi is the Land Owner whereas the land belongs to M/s.Dinsha Trust and the documents, proving the ownership of the Land in the name of M/s.Dinsha Trust as per property Card, 7/12 & 6/12 Extract were submitted to the Respondent Company.
- vi. The Applicant / Complainant prayed for providing tapping meter connection based on the documentary proof already submitted to the Respondent company without delay and without demanding documentary proof of occupancy prior to the year 1995 and without producing Fresh NOC from Forest Dept. and the Applicant / Complainant also prayed for compensation.

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

- vii. The Nodal Officer of the Respondent/Utility denied all the allegations made by the Complainant and has submitted that the complainant is not having locus standi as this complaint is not covered under the ambit of definition of Consumer as defined under section 2(15) of Electricity Act,2003 (EA'03)


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- viii. The Nodal Officer stated that the Respondent denies all allegations/contentions made by the Complainant in this complaint filed before CGRF.
- ix. The Nodal Officer submitted that the Respondent had carried out site inspection on 14/06/2018 after receipt of the new connection application from the Complainant/Applicant. During site visit & upon document verification, it was found that the premises, where the new electricity connection is required by the Applicant/Complainant, falls under the Forest Land. This was communicated to the Applicant/Complainant vide it's letters dated 18/06/2018 & 04/10/2018 and also, therein, she was requested by the Respondent Company to furnish NOC from the Forest Department.
- x. The Nodal Officer submitted that the Chief Forest Officer of Sanjay Gandhi National Park, vide his letter dated 29/12/2016 mentioned that the land bearing Survey No.239/1(pt) falls under the Forest land and is covered under the order passed by the Hon'ble High court in Writ Petition No.305 of 1995.
- xi. The Nodal Officer further submitted that considering the provisions of the law and order passed by the Hon'ble High court in Writ Petition No.305 of 1995, the Respondent are unable to process the application of the Applicant/Complainant in absence of the permission of the Forest Officer.
- xii. The Nodal Officer also submitted that without the requisite compliance in accordance with Electricity Act,2003 & Supply Code, 2005 for getting

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electric connection, the Applicant/Complainant submitted her grievance in IGR Cell.

- xiii. The Nodal Officer stated that the wrongful claim for compensation and the complaint deserves to be dismissed as allegations of the Applicant/Complainant is false and baseless and the Respondent have acted in accordance with the law.
- xiv. The Nodal Officer submitted that the Applicant/Complainant has not complied the requisite formalities in accordance with Electricity Act, 2003 & the Supply Code, 2005 for getting electric connection but filed her grievance before IGRC.
- xv. The Nodal Officer of the Respondent/Utility stated that there is no delay on part of the Respondent in any way as alleged by the complainant and hence he denied the demand of penalty or compensation as claimed by the Complainant in his application.

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

**Observations of the Forum :**

- xvi. The main contention of the representative of the Applicant/Complainant is that the Utility has not given the estimate on the grounds that the particular area falls within the jurisdiction of the Forest and hence, their NOC is required. It is the contention of the representatives of the

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Utility/Respondent that they are unable to give electric supply to the Applicant/Complainant as she could not produce the NOC from the Forest Department.

- xvii. During the course of argument, the Nodal Officer drew our attention to the observations, findings and the directions given by the Hon'ble Bombay High Court in Writ Petition No.305 of 1995. Under these circumstances, the only question which requires to be decided is whether there is any prima facie material on record to show that if this particular land falls within the jurisdiction of Forest Area.
- xviii. It is submitted by the representative of the Applicant/Complainant that even Forest Department is not aware whether the said land falls within their jurisdiction. In order to support his submission, he drew our attention to the application dated 08/01/2019 moved by him under the Right to Information Act addressed to the State Public Information Officer, Sanjay Gandhi Rashtriya Udyan, National Park, Borivali by which he requested the Information Officer to inform him whether the said piece of land comes under the jurisdiction of the Forest Department. He also drew our attention to the reply received by him from the Information Officer dated 24/01/2019 and 29/01/2019 by which the Information Officer informed him that they sought the required information from Tulasi Forest Division and other Forest Division and they informed in that the said information is not found. In short, it is his contention that when the Forest Department is not aware whether the said premises falls within the jurisdiction of the Forest

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Department, there should not be any hitch in giving electric supply to the premises of the Applicant/Complainant. But at the same time he submitted that he has preferred an Appeal before the Information Commissioner and the said appeal is now pending before the Information Commissioner. Whatever this may be, there is one document on record that is 7/12 extract of the said premises which prima facie shows that the said premises is acquired by the Forest Department. The Applicant/Complainant is relying on this 7/12 extract. No doubt this 7/12 extract shows that the said land belongs to F.E.Dinshaw Trust and it is in possession of one Janibai Mangya Koli since the year 1987/1988. But there is also one endorsement in this 7/12 extract which reads "सदर जमीन, अक्विझिशन ऑफ प्रायवेट फॉरेस्ट ऍक्ट अन्वये संपादन करण्यात आली आहे." This prima facie shows that the land is acquired under Acquisition of Private Forest Act.

- xix. The Applicant/Complainant is also relying on two documents i.e. Adhar Card and Ration Card to show that she resides at the said place. But after the perusal of the Xerox copy of the Ration card, it appears that it came to be issued recently i.e. on 04/06/2018. It can not be forgotten that the Hon'ble Bombay High Court in Writ Petition of 305/1997 passed on 07<sup>th</sup> May'1997 had given various directions to the various authorities regarding the encroachment made within the boundaries of Sanjay Gandhi National Park. One of the directions, (n) reads "*It is ordered that after carrying out the above mentioned survey, all persons whose names are not found in the electoral rolls prepared with reference to 1<sup>st</sup> January, 1995 or any date*

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*prior thereto shall be forthwith removed from the National Park Division and structures inhabitant by then shall be demolished. All materials shall be confiscated so that the same is not used to re-erect the structures."*

Admittedly, the two documents referred above i.e. ration card and Adhar Card are certainly not prior to 01/01/1995. Under these circumstances, we are of the opinion that there is some substance in the stand taken by the Utility/Respondent that they are unable to give the electric connections to the premises of the Applicant/Complainant without the NOC of the Forest Dept is correct. Hence, in our opinion the present application is devoid of merits and deserves to be disposed of. Hence, the following Order is passed.

In view of the above observations , the following Order is passed :

**ORDER**

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

**Dated : 27<sup>th</sup> February'2019**  
**Place : Borivali, Mumbai**

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*Sd/-*

Vilas Dikshit  
Chairperson - CGRF

*Sd/-*

Rajiv Nakhare  
Member - CGRF

*Sd/-*

Milind Gandbhir  
Member - CGRF