

**Consumer Grievance Redressal Forum  
Maharashtra State Electricity Distribution Co. Ltd.  
Bhandup Urban Zone, Bhandup**

Ref. No. Secretary/MSEDCL/CGRF/BNDUZ/

Date :

Case No. 194

Hearing Dt. 24/06/2008

**In the matter of change in names of 11 consumers residential  
connections**

**Shri Ajay Bhaskar Bhonsale on behalf of  
11 aggrieved members of Jai Jalaram  
Co.Op. Hsg. Society Ltd.** - Appellant

Vs.

**MSEDCL, Thane** - Respondent

**Present during the hearing**

**A - On behalf of CGRF, Bhandup**

- 1) Shri S.L. Kulkarni, Chairman, CGRF, Bhandup.
- 2) Shri S.B. Wahane, Member Secretary, CGRF, Bhandup.
- 3) Mrs. Manik P. Datar, Member, CGRF, Bhandup.

**B - On behalf of Appellant**

- 1) Shri Ajay Bhaskar Bhonsale, Consumer's representative.
- 2) Shri S.S. Moray, Consumer's representative.

**Additional witness**

- 1) Shri Nanji Khimji Thakkar, Thane.
- 2) Mrs. Mandakini Karandikar.

**C - On behalf of Respondent**

- 1) Shri S.D. Deshpande, Dy. Ex. Engr, Thane.

Consumers registered their grievance with this Forum on 10/06/2008 vide case No. 194. Consumers were aggrieved with the decision of ICGRU with reference No. 2940 dtd. 17/05/2008.

Shri Ajay Bhonsale residing at Jai Jalaram Co.Op. Hsg. Society Ltd., Tukaram Mandalik Road, Kharkar Ali, Thane submitted his grievance with other 10 members of the said society for change of name of electrical connection which they are using from 1984 onward.

The owners/consumers had purchased their flats from the builder/developer M/s. Nanji Khimji & Co. through registered sale deeds. The said registered deed mentions that the piece of land on which the building was constructed had been purchased by the said builder/developer from Shri N.P. Karandikar, the original owner.

There are 50 Nos. of electric connections from 1984 in the said building. Above all connections were issued in the name of Mr. N.P. Karandikar.

The Management committee of the society approached utility on 27/07/2006 for the change of names of 36 occupants for their respective flats. As per their monthly electricity bills all the relevant documents and relevant charges were paid by all 36 applicants.

In the meanwhile Mrs. Mandakini Karandikar wife of deceased Mr. N.P. Karandikar took an objection by letter dtd. 30/10/2006 addressed to Executive Engineer Shri Burud for change of names of 36 applicants of the society. The said letter was accompanied with a copy of judgement delivered by the Civil Court in Civil Suit No. 767/95 delivered on 06/11/2001.

The said suit was filed by M/s. Nanji Khimji & Co. against Shri N.P. Karandikar and same was dismissed for want of cause action. In the said suit neither the Jai Jalaram CHS Ltd. was made the party nor was it pertaining to the electricity supply or change in names to respective member of the society.

After receiving this letter Dy. Ex. Engr., Thane Power House issued letters to all 36 applicants on 21/12/2006 stating that Mrs. Karandikar took an objection for the change of names. Dy. Ex. Engr. also directed them to issue clarification and explain their stand within 30 days.

Anticipating this problem society wrote a letter on behalf of 36 applicants on 01/12/2006 by which Dy.Ex.Engr., Power House was satisfied with this letter, accordingly utility sanctioned the change of names of only 25 applicants with effect from August-Sept.2007.

Remaining 11 aggrieved applicants again approached the concerned division with letter dtd. 28/03/2007 explaining the matter.

Dy.Ex.Engr. replied on 21/08/2007 (after five months) to all these 11 applicants that their particular meters could not be transferred on account of same old objection of Mrs. M.N. Karandikar. He also stated that this decision was based on the opinion of legal advisor of MSEDCL.

Aggrieved members of the said society reiterated that there was no logic at all in with holding the change of names of 11 members only, giving an explanation of objection raised by Mrs. M.N.Karandikar. All 36 applicants (including these 11 members) had submitted identical papers and supporting documents on same day dtd. 27/07/2008 and only 25 members were sanctioned for change of names in Jan-2007 even after objection raised by Mrs. M.N. Karandikar.

All the applicants consumers have got their housing society registered, the building premise is fully authroised and received municipal occupation certificate since they are lawful owners. All the 36 members are fully eligible to get the electric meters transferred in their respective individual names as 11 of the residents of the same building could get it done.

Further they have produced their ration cards, Tax receipts, election identity card, passport in some cases etc. bearing their present address and phone bills also.

Even after we came to reside in our flat purchased in 1984. we all the members who registered a co-operative society were constantly following with Shri Karandikar to give consent for transfer on electrical meters for change of names. However, during his lifetime and subsequently with his family members after his demise we could not get any positive response from her side.

All the 36 applicants applied for change of names in the month of June 2006. Accordingly firm quotation was issued by utility in the month of July for 25 applicants and firm quotations were issued for 11 applicants in the month of August 2006.

However, the first batch of 25 members got the change of names in subsequent bills. In the interim period Mrs. M.N. Karandikar filed an objection before MSEDCL against change of names of all 36 members on 20/10/2006. According to MERC Regulation 2005, Regulation 10.3 in such circumstances other factors can be considered for change of names.

Advocate Mrs. M.N. Karandikar also issued the title clearance certificate. This clearly shows that M/s. Nanji Khimji had purchased a piece of land for development and construction of the flats in question.

**Utility Say :**

The Executive Engineer, O&M division, Thane vide letter dtd. 31/07/2008 submitted his written say stating that in response to 25 applicant's the process of transfer of name on electric meters was completed and effected while in respect of remaining 11 members could not be done since they had not paid the firm quotation amount and that time Mrs. M.N. Karandikar a widow of original owner of the property in whose name all the 36 members stood, had taken objection vide her letter dtd. 30/10/2006. This fact was intimated to the applicants vide letter dtd. 21/12/2006. Thus, due to this objection a change of name of remaining 11 applicants was not effected. These 11 consumer applicants also approached ICGRU, Thane, which also turned down, the request on the ground that the legal matter is pending.

**Witness Say :**

Two witness were called during the enquiry by the Forum as to their role in the matter specially legal disputes which is a hurdle in change of name. For the change of name of electrical connections first Shri Maganlal Khimji Thakkar on the behalf of M/s. Nanji Khimji Thakkar and Co. stated that the dispute between Shri N.P. Karandikar (now deceased in 2004) and his firm was about certain money matter amongst them selves to which all the 36 occupants members (including these 11 members) who are appellants in this case has no concern at all and he has no objection for change of name in respect of all 11 Nos. of electrical connection.

He further clarify that initially the name of the Firm was M/s. Nanji Khimji Thakkar and brothers, this partnership firm was dissolved in 1992 and named as M/s. Nanji Khimji and co. with Shri Maganlal Khimji Thakkar as a sole proprietor to whom part of property (where the present structure of Jai Jalaram Co-operative society has been purchased by this newly formed firm. This position is already been cleared by special Civil Suit 767/95 in Thane Civil Court.

**Witness No. 2 Mrs. M.N. Karandikar :**

According to her, written statement dtd. 19/07/2008, she stated that M/s. Nanji Khimji & Co. was merely a developer of the piece of land owned by Mr. N.P. Karandikar. There is a legal dispute emanated from 1995 in Civil Court subsequently High Court etc. in which Nanji Khimji & Co. could not get any success. At this juncture she being the heir after the demise of the original owner Shri N.P. Karandikar, myself being the owner of the said property.

All the 36 applicants are not lawful owners as M/s. Nanji Khimji and Co. who had sold the flats to these 36 members had merely constructed the flats on oral agreement with late Shri N.P. Karandikar, therefore all the 36 applicants are unlawful occupants of the premises.

Even the registration of the society with co-operation department was illegal since late Shri N.P. Karandikar never party to it.

During the lifetime of Mr. N.P. Karandikar, the appellants never approached the consent for change of names for electrical meters. But now they came up first in 2006.

**OBSERVATIONS :**

1) The appellants who are the residents of the flats of building is known as Jai Jalaram Co-Op Hsg. Society Ltd. (registered in 1993) since 1984 by making registered sale deeds executed before sub registered, Thane. The documents contain a title certificate issued by Mrs. M.N. Karandikar (Advocate), which states that M/s. Nanji Khimji and Co. had purchased a piece of land owned by M.N. Karandikar for construction of flats. Thus the appellants are fully lawful owners of the premises that they have purchased.

2) They have been continuously chasing Shri N.P. Karandikar in whose name the electric meters stand for change of names in the appellants/occupiers names. However, uptill now there was no positive response.

3) There appears to be legal dispute between M/s. Nanji Khimji & Co. and Mr. N.P. Karandikar since 1995 beginning with the dispute over a portion of the building i.e. two flats in the said society and on bungalow outside the society but constructed by M/s. Nanji Khimji & Co. The legal cases moved from Civil Court, Thane, High Court appellate side, High Court writ side, competent authority etc. The builder M/s. Nanji Khimji & Co. was a firmly/partnership firm, which was dissolved, and a new proprietor firm headed by Shri Maganlal Khimji Thakkar took over the business.

4) Shri Maganlal Thakkar has no objection for the appellant's request for change of names of electrical meters in the name of appellants. He confirmed that in all legal proceeding of Courts, the appellants in the present matter were never concerned.

5) The Forum had asked the witness Mrs. M.N. Karandikar who is raising objection for change of names of appellants about her succession certificate. However, she did not give any response stating that she is wife of late Mr. N.P. Karandikar. There are also other blood relatives in the family and hence the certificate was asked she was unable to produced the same.

6) However, at present no Court proceeding are in progress, but in future it is uncertain.

7) In absence of owner's consent as per MERC regulation 2005, regulation 10.3 (ii) states as :

*"In the absence of a consent letter, any one of the following documents in respect of the premises: (a) proof of ownership of premises; (b) in case of partition, the partition deed; (c) registered deed; or (d) succession certificate;"*

In the present case the appellant had adequately proved that they are bonafied of their legal ownership and occupant by way of registered sale deed with the builder M/s.Nanji Khimji Thakkar & Co. which according to the title certificate issued by Mrs. M.N. Karandikar which is the part of agreement.

According to the utility's prescribed forms it requires co-operative Hsg. Society's member's share certificate and no objection certificate from the society and electricity bills, which they are paying. This has been complied by the appellants.

8) Since the appellant have come to reside lawfully from 1984 and get registered their society in 1993 till then no one had objected their lawful residence.

In conclusion, all the 36 residents including 11 appellants are eligible for change of names and hence all of them should be granted change of names in their respective names.

## **ORDER**

With the above observations remaining 11 appellants should be allowed change of names in their respective names of the electrical meters.

The compliance should be reported to the Forum within one month from receipt of the order.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 8<sup>th</sup> of August 2008.

Note : 1) If Consumer is not satisfied with the decision, he may go in appeal within 60 days from date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman

The Electricity Ombudsman,  
Maharashtra Electricity Regulatory Commission,  
606, Keshav Building,  
Bandra - Kurla Complex, Bandra (E),  
Mumbai - 400 051.

2) If utility is not satisfied with order, it may go in appeal before the Hon. High Court within 60 days from receipt of the order.

**MRS. M.P. DATAR**  
**MEMBER**  
**CGRF, BHANDUP**

**S.L. KULKARNI**  
**CHAIRMAN**  
**CGRF, BHANDUP**

**S.B. WAHANE**  
**MEMBER SECRETARY**  
**CGRF, BHANDUP**