

**Maharashtra State Electricity Distribution Co. Ltd.'s
Consumer Grievance Redressal Forum
Nagpur Urban Zone, Nagpur**

Case No. CGRF(NUZ)/21/2013

Applicant : Ku. Kalyani Narendra Lawankar,
96, Bajrangnagar, Galli No.5,
Siddheshwar Hall,
near Manewada Rd.,
NAGPUR.

Non-applicant : Nodal Officer,
The Superintending Engineer,
(Distribution Franchisee),
MSEDCL,
NAGPUR.

Quorum Present : 1) Shri. Shivajirao S. Patil
Chairman,

2) Adv. Subhash Jichkar,
Member,

3) Smt. Kavita K. Gharat
Member Secretary.

ORDER PASSED ON 4.4.2013.

1. The applicant filed present grievance application before this Forum on 5.2.2013 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

2. The applicant's case in brief is that she applied for New Service Connection in portion of the premises occupied by

her in House No. 2877 at Bajrangnagar, which is owned by grandmother of the applicant namely Smt. Shantabai Deoraj Lawankar. The applicant paid demand note charges of Rs. 1090/- but service connection is not released to her. On the contrary her application is rejected on the ground that there already exists one electricity connection for the same purpose i.e. domestic use of electricity. Therefore applicant filed grievance application before Learned I.G.R.C. which rejected it as per order Dt. 12.1.2013. Being aggrieved by the said order applicant filed present grievance application.

3. Non applicant denied the case of the applicant by filing reply Dt. 2.3.2013. It is submitted that applicant applied for New Service Connection in October 2012 and paid demand note charges of Rs. 1090/- as per receipt Dt. 12.10.2012. Spot was inspected by M/s. SPANCO and it is found that applicant is residing along with her grand mother Smt. Shantabai Deoraj Lawankar in house No. 2877. Tax receipt of N.M.C. is in the name of Smt. Shantabai Deoraj Lawankar. There is already one domestic connection bearing Consumer No. 410010363172 in that premises and therefore more than one connection can not be given in the same premises.

4. Forum heard the arguments of both the sides and perused the record.

5. Record shows that tax receipt of this house issued by N.M.C. is in the name of Smt. Shantabai Deoraj Lawankar and tax is paid on 20.12.2010 for the period 1.4.2002 to 31.3.2007. The applicant produced one notarized partition deed Dt. 29.9.2012, on record in between Smt. Shantabai and applicant Ku. Kalyani Lawankar only.

6. It is noteworthy that in the partition deed the age of Ku. Kalyani is shown as 19 years and her occupation is clearly shown as education. During the course of hearing, the applicant Ku. Kalyani was personally present before the Forum along with her another unmarried sister / representative Ku. Poonam Narendra Lawankar. It is noteworthy that one elder unmarried brother of these two sisters was also personally present before the Forum. Out of these three persons, i.e. 1) Applicant Ku. Kalyani 2) her sister Ku. Poonam and 3) her elder brother, even as per appearance, it appears to the Forum that brother is eldest one, Ku. Poonam is middle sister and the applicant Ku. Kalyani is the youngest. Even as per her appearance she was looking just like school or college going teen-aged girl. Forum surprisingly put up a query that when eldest brother of the applicant is available to get new electricity connection, her elder sister Poonam who is even representative of the applicant is also available to get new connection, then why they have decided to take connection in the name of Kalyani who is youngest amongst them. To our surprise, all of them told to the Forum and made statement that one cast certificate is obtained in the

name of Ku. Kalyani and that cast certificate is not obtained in the name of her elder sister Ku. Poonam and eldest brother. One stamp vendor / petition writer who prepared partition deed in this case advised them that there is no cast certificate in the name of Ku. Poonam and eldest brother and therefore they will not get any concession in the electricity charges. Cast certificate is obtained only in the name of Kalyani and therefore though she is school going or college going girl, it is better to prepare partition deed in her name and to apply for new service connection in her name.

7. Forum even made query to the applicant Ku. Kalyani aged about 19 years and in answer to that query she told that she is unmarried and one day she will marry and will go to the house of her husband. Forum put up a query to all those three persons that when a male member i.e. eldest brother of the applicant is available in the family why application for new service connection is not filed in his name and why partition deed is not prepared in his name, but he also told before the Forum that cast certificate is not available in his name and therefore petition writer has prepared partition deed in the name of Ku. Kalyani and filed an application for new connection.

8. It is note worthy that eldest brother of the applicant and her elder sister Ku. Poonam so also their parents are not even parties to this partition deed. It is true that this Forum can not go into entire legality and merits of

the partition deed but if apparently it is found that such type of bogus document is prepared just to take undue advantage of getting less electricity bills, such aspect can be definitely observed by the Forum.

9. We are aware of the fact that for a particular house of 4 rooms there has to be particular load and if that load is recorded by one meter, bill of perfect reading will have to be paid, but if that load is divided into 2 parts by getting two different meters it automatically decreases electricity energy bill tremendously by way of slab benefit. We are also aware of the fact that there are certain mischievous consumers who utilize their technical brain to obtain this slab benefit by getting two different meters in the same premises. Even though the entire family is residing jointly, they are well aware how to make flimsy drama of bogus partition thereby even barring several co owners and co sharers. This Forum is of considered opinion that present case is the best example of attempt to misuse regulations and to get undue advantage of getting slab benefit only with a view to minimize the energy bill. That is the only reason why father, mother, elder brother of applicant even elder sister of applicant (her representative) are even not party to this partition deed. No share is allotted to them.

10. Perhaps as per M.S.E.D.C.L. then rules there are some concession to S.C. and S.T. consumers in amount of Demand Note. That may be the reason why petition writer

advised to prepare partition deed only in the name of Girl who possesses caste certificate. Question again arose whether petition writer will decide parties to partition deed or Grandmother of applicant who is owner of property?

11. Description of the partition deed shows that in the same house on the ground floor two rooms along with **Latrine & Bathroom** are shown to be allotted to the share of Smt. Shantabai, aged about 75 years and only two rooms (**without Labrine & Bathroom**) on the same floor are shown in the share of Ku. Kalyani. From perusal of the boundaries of entire house No. 75, it is not clear whether house is constructed in east – west or north-south direction. If really it is genuine partition deed it would have been mentioned in the partition deed, regarding description of two rooms allotted to the share of Ku. Kalyani whether these rooms are to the front side or back side or towards east, north, west or south directions, what is the dimensions i.e. length and width of every room. All these aspects are absolutely absent in the description of the portion allotted to the particular share. Therefore after reading of partition deed, it is not clear which particular two rooms are allotted to the share of Ku. Kalyani. Identification of property allotted to every share is not clear, specific and separate. Therefore it is not clear in which two rooms applicant require electricity connection. Therefore it is clear that this bogus partition deed is made without mentioning anything only to get slab benefit and to minimize the electricity bill. In such type of specific facts and

circumstances of the case, in our opinion new connection can not be given to the applicant specifically when description of her share is not separately identified by showing boundary marks of rooms, size of rooms etc. No share is allotted to their parents, brother and sister. It is great surprise that youngest and smallest family member unmarried girl of 19 years, taking education is selected to apply for electricity connection for the simple reason that there is one cast certificate is in her favour. It was misunderstanding of stamp vendor / petition writer that if particular cast certificate is available the only electricity connection can be given and can get less electricity bills and these are the reasons why such type of partition deed was typed on stamp paper of Rs. 100/- and thumb mark of Smt. Shantabai was obtained on it.

12. As we have already discussed about, it is not our duty to go into entire merits and legality of the partition deed but if facts and circumstances indicate that bogus document of partition deed is prepared only to get slab benefit and thereby minimizing electricity bill in such type of rarest of rare case more than one connection can not be given in the same premises specifically when one residential electric meter is available.

13. Further, non applicant had specifically mentioned in the reply para 3 that when spot was inspected it is noticed that applicant Kalyani is residing with her grandmother Shantabai. Therefore, it is clear that applicant Ku. Kalyani is

not residing separately from Smt. Shantabai but entire family is residing in one and same house. Partition deed shows that there is only one latrine and only one bathroom in the entire house. We are also aware of the fact that what are the ways, means and modes to obtain notarized document nowadays. It is true that the consumer can not be insisted to produce registered partition deed. It is also not our duty to see whether partition is equitable partition or not. However, even appearance of the applicant before the Forum, her tender age shows that entire partition deed is flimsy document prepared only to get slab benefit and to minimize electricity charges which is not permissible under law. Even identification of her share and it's description is not sufficient as to which two rooms are shown to be allotted to her share. If similar type of applications are allowed, we are afraid that in each and every house, all families will start to prepare notarized documents of partitions and will get several connections for common use which is not permissible under law. Therefore facts of the present case are very specific and peculiar. Entire family i.e. one brother, two sisters and their grand mother are so interested in getting another connection in the same premises, all of them were present before the Forum and even brother of the applicant also attempted to argue on her behalf.

14. It shows that entire family is interested in getting two residential connections in one and same house by preparation of flimsy and bogus document of partition deed.

15. Application of the applicant is rejected by non applicant considering clause 2.2.5 of M.S.E.D.C.L's terms and conditions. However, in our opinion, M.S.E.D.C.L. terms and conditions are not applicable but regulations of Hon'ble M.E.R.C. are applicable. Record shows that entire family is residing with Smt. Shantabai and this fact was pointed out by the non applicant at the time of inspection as stated in reply. Therefore in our opinion the applicant is not entitled for separate electricity connection in same premises of Smt. Shantabai D. Lawankar, her grand mother where residential connection is already available. Therefore we find no force in present grievance application and application deserves to be dismissed. Resultantly Forum proceeds to pass following order :-

ORDER

- 1) Grievance application is dismissed.

Sd/-
(Smt.K.K.Gharat)
MEMBER
SECRETARY

Sd/-
(Adv.Subhash Jichkar)
MEMBER

Sd/-
(ShriShivajirao S.Patil)
CHAIRMAN