

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

Case No. CGRF(NZ)/50/2017

Applicant : Shri Anil John Francis
MTG-16,VHB, Nara Rd.,Jaripatka
Nagpur.

Non-applicant : Nodal Officer,
The Superintending Engineer,
(DF), NUC, ,MSEDCL,
Nagpur.

Applicant :- In person

Respondent by 1) Shri Vairagade, E.E.Nodal, NUC,MSEDCL, Nagpur
2) Shri Dahashastra, SNDL

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

2) Shri N.V.Bansod
Member

3) Mrs. V.N.Parihar,
Member, Secretary

ORDER PASSED on 02.05.2017.

1. The Applicant filed present grievance application before this Forum on dated 07.04.2017 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as said Regulations).

2. Applicant's case in brief is that Cons.No.410013025758 is in the name of mother of the applicant. Applicant filed application for change of name to transfer the

connection in his name on 20-09-2016. But SNDL rejected the application on the ground of non-production of ownership document by the applicant. Therefore applicant approached to IGRC and claimed change of name and compensation. As per order dated 08-03-2017 in case No.121/2017 learned IGRC directed to effect change of name in the next billing circle but prayer for compensation is rejected. Being aggrieved by the order passed by learned IGRC applicant approached to this forum.

3. Non applicant denied the applicant's case by filling reply dated 20.04.2017. It is submitted that Cons.No.410013025758 is for commercial purposes since 09-09-1986 in the name of Smt.Salesteen F.John. On 20-09-2016 applicant filed application for change of name but he did not produce ownership transfer document therefore his application was rejected. IGRC passed order dated 08-03-2017 and directed to effect the change of name. As per order of IGRC demand Rs.190/- is issued on 18-04-2017. After applicant paid amount of demand, there will be change of name but compensation of Rs.10000/- cannot be granted. Grievance application deserves to be dismiss.

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

5. **Regulation 10.1 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and other Conditions of Supply) Regulations, 2005 reads as under,**

"10.1 A connection may be transferred in the name of another person upon death of the consumer or, in case of transfer of ownership or occupancy of the premises, upon application for change of name by the new owner or occupier."

Therefore before reading of Regulation 10.2 and 10.3 we have to read first

Regulation 10.1 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and other Conditions of Supply) Regulations, 2005. According to this Regulation a connection may be transferred in the name of another person upon death of the consumer or, in case of transfer of ownership or occupancy of the premises, upon application for change of name by the new owner or occupier. During the course of argument we enquired to applicant side / whether consumer named Smt.Salesteen F.John is alive or dead? Representative of the applicant argued that she is alive. It means there is no death of consumer. So far as transfer of ownership or occupancy of the premises is concerned there is no sale, will, gift, partition or any other mode of transfer. Therefore ownership is not transfer. It is nowhere mentioned in grievance application or any whether on record that there is transfer of occupancy of premises. Applicant did not produce a document about handing over possession (ताबा पावती) executed by Smt.Salesteen F.John consumer in favour of applicant. It is no whether case of the applicant that there is transfer of ownership or transfer of occupancy of the premises. It is simple contention of the applicant that he want change of name but any reason for change of name, on the ground on which change of name is demanded is not given by the applicant. Therefore in fact initially SNDL has rightly rejected change of name application and in fact order passed by the IGRC is not legal and correct. IGRC ignored the provision of **Regulation 10.1 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and other Conditions of Supply) Regulations, 2005.** However SNDL did not file any appeal against order of IGRC. In our opinion it is not justified to cancel and set aside order passed by the IGRC in appeal preferred by the consumer. However we can consider this point while deciding the matter whether applicant is

entitled for compensation or not. This point goes to the root of the case.

6. In fact IGRC has passed order ignoring Regulation 10.1 as discussed above, even then SNDL has issued demand of Rs.190/- on 18-04-2017. Representative of applicant argued before the forum that he received the demand and he is ready to pay the demand. Thereafter SNDL shall effect the change of name immediately in the next billing cycle.

7. So far as compensation is concerned, whole case of the applicant is baseless. Applicant did not produce the document of transfer of ownership or occupancy of the premises even then IGRC illegally allowed the effect for change of name. In such circumstances there is no negligence by SNDL. Furthermore no loss is caused to the applicant because original consumer Smt.Salesteen F.John is alive. Considering all these circumstances in our opinion applicant is not entitled for any compensation.

8. Hence forum proceed to pass the following order.

ORDER

1. Grievance application is partly allowed.
2. Claim for compensation of Rs.10000/- is rejected.
3. Applicant shall pay amount of demand and shall complete requisite formalities, on such compliance by the applicant, SNDL shall effect the change of name immediately in the next billing cycle.

Sd/-
(N.V.Bansod)
MEMBER

sd/-
(Mrs.V.N.Parihar)
MEMBER/SECRETARY

sd/-
(Shivajirao S. Patil),
CHAIRMAN

