



**CONSUMER GRIEVANCE REDRESSAL FORUM
M.S.E.D.C.L., PUNE ZONE, PUNE**

Case No.39/2014

Date of Grievance : 12.12.2014

Date of Order : 23.02.2015

In the matter of disconnection of supply.

Mr.Raman Narayan Ghorpade
M-5/44, Nisarg Hsg.Socy,
Golf Club Road,
Yerwada, Pune.

Complainant
(Herein after referred to as Consumer)

Versus

The Executive Engineer,
M.S.E.D.C.L.,
Rastapeth Division,
Pune.

Respondent
(Herein after referred to as Licensee)

Quorum

Chair person
Member Secretary
Member

Mr. S.N.Shelke
Mr. Y. M.Kamble
Mr.Suryakant Pathak

Appearance

For Consumer

Mr. Raman Narayan Ghorpade

For Respondent

**Shri. P.S.Jamdhade , Executive
Engineer, Rastapeth Dn.
Shri.Vilas M Mahadik, Addl.Ex.Engr.
Rastapeth S/Dn.**

- 1) The Consumer has filed present Grievance application under regulation no. 6.4 of the MERC (CGRF & E.O.) Regulations 2006.
- 2) Being aggrieved and dissatisfied by the order dated 13.10.2014 passed by IGRC Rastapeth Urban Circle, thereby rejecting the application of the consumer the

consumer above named files present grievance application on the following amongst other grounds.

- 3) The papers containing the above grievance were sent by the Forum to the Executive Engineer, M.S.E.D.C.L., Rastapeth Division, Pune vide letter no. EE/CGRF/PZ/Notice/39 of 2014/246 dtd. 15.12.2014. Accordingly the Distribution Licensee MSEDCL filed its reply on 09.01.2015.
- 4) We have gone through the grievance application, say filed by Licensee & on perusal of documents, following factual aspects were disclosed.
 - i) Previously Mr.Tukaram Shankar Ghorpade, was the consumer having consumer No. 17012032733.
 - ii) The said Mr.Tukaram Shankar Ghorpade was expired on 5.4.1975. Mrs.Laxmi Tukaram Ghorpade, was his wife who expired on 9.4.2012 but the said energy connection was standing in the name of Mr.Tukaram Shankar Ghorpade.
 - iii) Present consumer is the grandson of Mr.Tukaram Shankar Ghorpade.
 - iv) One Shalini Jayram Pujari is daughter of the said Tukaram & Laxmi Ghorpade.
 - v) The said Laxmi Ghorpade during her life time had executed will deed in favour of her daughter namely Shalini Jayram Pujari on 5.2.2005.
 - vi) The said Shalini Pujari after the death of Laxmi Ghorpade had applied for change of name in her favour in respect of consumer no.170012032733 & accordingly concerned authority changed the said connection in her name.
 - vii) The present consumer has applied for disconnection of above mentioned supply on 30.1.2014 He also issued notice 14.3.2014 to Dy.Ex.Engr., Rastapeth, Pune about the same. Thereafter the present consumer approached to IGRC Rastapeth on 7.10.2014. The IGRC rejected the grievance of the said consumer vide impugned order dated 13.10.2014.
5. The consumer namely Adv.Raman Narayan Ghorpade was present at the time of final hearing. He submitting that he is grandson of late Shri.Tukaram Shankar Ghorpade & his legal heir. After the death of his grandfather name of his grandmother namely Laxmi was not recorded in the MSEDCL record. However

on 9.10.2013 Shalini Jayram Pujari applied for change of name in respect of said connection in her name but she has not right to get the said connection transferred in her name. Therefore the said connection be disconnected.

6. On the other hand, MSEDCL was represented by Executive Engineer, Mr. Prakash Jamdhade, Rastapeth Dn. & Mr. B.G. Shendge, Addl. Ex. Engineer, Rastapeth Sub/dn. They submitted that the said Shalini Jayram Pujari applied for change of name in her favour in respect of consumer no. 170012032733 on 9.10.2013. Alongwith said application the said applicant had produced death certificates of Tukaram Shankar Ghorpade & Laxmibai Tukaram Ghorpade, will deed executed by Laxmi Tukaram Ghorpade dtd. 5.2.2005 Identity Card issued by Election Commission. Corporation Tax receipt, Firm Quotation. They have confirmed that said Shalini Jayram Pujari is the occupant of the said premises. Therefore the said connection was changed in her name. However the present consumer is not residing at the said premises. He is not owner or occupant nor the consumer of the Licensee, therefore supply cannot be disconnected at the instance of said consumer.
7. Only point for our consideration is whether the supply of said consumer can be disconnected at the instance of present consumer? Our findings to the said point is in the negative for the reasons stated below :-
8. According to present consumer he is grandson of the previous consumer namely Tukaram Shankar Ghorpade. Laxmi Tukaram Ghorpade was the wife of Tukaram Shankar Ghorpade but the said connection was not transferred in her name during her life time. Therefore the said Laxmi had no right to execute will deed in favour of her daughter Shalini Jayram Pujari & therefore action of Licensee to transfer the said connection in the name of Shalini Jayram Pujari is illegal the alleged will deed was not executed Tukaram Shankar Ghorpade. The said consumer in support of his contention has produced on record. Copies of lease agreement executed by PMC in favour Laxmibai Tukaram Ghorpade challan receipt in the name of Laxmibai Tukaram Ghorpade, copy of Bank Passbook of present consumer. Identity card issued by the Election Commission in the name of present consumer etc.

9. Shalini Jayram Pujari while submitting her application for change of name in her favour had submitted death certificates of Tukaram Shankar Ghorpade & Laxmi Tukaram Ghorpade, will deed executed by Laxmi Ghorpade dated 5.2.2005 in favour of Shalini Jayram Pujari firm quotation Identity Card issued by Election Commission to Shalini Jayram Pujari & Tax receipt in the name of T.S.Ghorpade. Similarly it is seen from the record that Pune Municipal Corporation has executed License agreement dated 28.5.2003 on favour of Laxmibai Tukaram Ghorpade in respect of Rajewadi Vasahat No.12, Room No.B-36 Nanapeth, Pune. The same address is appearing in the Electricity Bills issued in the name of T.S.Ghorpade, Consumer No.170012032733. While applying for change of name the applicant name Shalini Jayram Pujari has made necessary compliance as per regulations 2.1 of MERC (Electricity Supply code & Other conditions of supply) Regulations 2005. Hereinafter referred to as the regulation. Regulation No.2.2.2 reads as under.

The MSEDCL shall neither be responsible nor liable to ascertain the legality or adequacy of any of such certificate/permissions, which might have been submitted by the applicant/consumer alongwith the Application. Further it shall not verify the competency of the Authorities who so ever might issued such certificate/permissions and shall believe such certificates/permissions to be sufficient & valid, unless proved to be contrary.

The present consumer has not produced any order from the Competent Court for disconnection of supply. Therefore the above mentioned connection in the name of Shalini Jayram Pujari cannot be disconnected on the ground that the present consumer since the legal heir of Tukaram Shankar Ghorpade. As per spot inspection done by Licensee the said Shalini Jayram Pujari has been residing in the same premises. She has been paying electricity bill regularly, therefore her supply cannot be disconnected as per the application of said consumer. Hence grievance application is liable to be rejected.

10. The grievance application could not be decided within stipulated period since Large no. of old cases were pending & some of those were decided in this month.

Hence the order

ORDER

Grievance of consumer stands dismissed with no order as to cost.

Delivered on: - 23/02/2015

Y.M.Kamble	Suryakant Pathak	S.N.Shelke
Member/Secretary	Member	Chairperson
CGRF:PZ:PUNE	CGRF:PZ:PUNE	CGRF:PZ:PUNE

Note :- The consumer if not satisfied may filed representation against this order before the Hon.'ble Ombudsman within 60 days from the date of this order at the following address.

Office of the Ombudsman,
Maharashtra Electricity Regulatory Commission,
606/608, Keshav Bldg.,
Bandra Kurla Complex,
Bandra(E), Mumbai-51.