

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

Case No.06/2017

Date of Grievance : 13.01.2017

Date of Order : 18.02.2017

In the matter of change of name.

Mrs.Parveen M.Shaikh,
Flat No.13, Bldg., A/6,
Bramha Angan,
Salunkhe Vihar road,
Kondwa, Pune - 411048.

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

Chairperson	Mr. S.N.Shelke
Member Secretary	Mrs. B.S.Savant
Member	Mr. S.S.Pathak

Appearance

For Consumer	Mrs.Parveen M.Shaikh, (Representative)
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For Respondent	Mr.G.T.Ekade,Ex.Engineer,Rastapeth Dn. Mr.S.S.Kolhe,A.E.E.,Rastapeth S/dn. Mr.S.B.Tekale, A.A.Sy.Mary S/dn.
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- 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 12.08.2016 passed by IGRC Rastapeth Urban Circle, Pune, thereby rejecting the grievance, the consumer above named prefers present grievance application on the following amongst other grounds.

- 3) The papers containing the above grievance were sent by the Forum to the The Executive Engineer, M.S.E.D.C.L., GKUC, Pune vide letter no. EE/CGRF/PZ/Notice/06 of 2017/17 dtd.16.01.2017. Accordingly the Distribution Licensee i.e. MSEDCL filed its reply on 01.02.2017.
- 4) We heard both sides at length and gone through the contentions of the consumer and reply of the respondent and the documents placed on record by the parties.
- 5) Facts giving rise to the grievance are stated as under :

Previously LT Residential connection having consumer No.170017265817 was standing in the name of Mrs. Parveen Malik Shaikh. Thereafter Mrs.Taskin Raffik Shaikh applied for change of name on 29.3.2011 i.e. change of name from Parveen Malik Shaikh to Taskin Raffik Shaikh. At that time the said Taskin Shaikh had submitted the declaration on the stamp paper, 'U' form, deed of assignment dated 18.1.2011, Index -II dated 18.1.2011 in respect of "Anisha Eligance" Fl.No.07, S.No.17, Plot No.21, Kondawa, Pune - 411048. Accordingly the Licensee effected the said change of name. The consumer Mrs.Parveen Shaikh alleges that her consent was not obtained and the said Taskin Shaikh got effected the said change by submitting false & fabricated documents & therefore name of Tasking Shaikh be cancelled and her name be entered in the electricity bill record. The consumer made complaint to IGRC on 18.6.2016 for cancellation of name of Taskin R.Shaikh in respect of consumer No.170017265817 & re-entering of her name in the energy bill record. The IGRC rejected the grievance of the consumer since it is time barred.
6. The consumer Mrs.Parveen Shaikh submitted that she purchased the said flat from Vandita Mishra in the year 2008. However the said flat was locked. It was mortgaged to the Bank. One Farukh Shaikh taking disadvantage of this fact broke opened the lock of the said flat in the year 2010 and by preparing bogus documents in the name of his wife namely Taskin Raffik

Shaikh took possession of the said flat. The said change of name was effected illegally and without her consent. The Licensee did not make any enquiry with her. Therefore the said change in respect of name of Taskin Shaikh be cancelled & her name be entered in the consumer electricity bills record.

7. On the other hand Mr.Edke the Ex.Engineer, Rastapeth Dn. submitted that previously Mrs.Parveen Shaikh was MSEDCL consumer having consumer no.170017265817. On 18.3.2011 Mrs.Taskind Raffik Shaikh had applied for change of name. While applying for change of name the said Taskin Shaikh has submitted declaration on stamp paper, U form, deed of assignment dated 18.1.2011 & Index-II dated 18.1.2011. The consent of Mrs.Parveen Shaikh was also attached to the proposal for transfer of security deposit. The signature of Mrs. Parveen Shaikh was appearing on the U-form. Therefore after verification, change of name from Parveen Shaikh to Taskin Shaikh was effected in respect of said consumer in the year 2011. Since then the bills are issued in the name of Mrs.Taskin Raffik Shaikh. The present consumer has not raised any objection from 2011. He further submitted that IGRC rejected the grievance of the said consumer since it is filed after two years from the date of cause of action.
8. On perusal of record it is seen that the said dispute is about ownership & possession of the house property bearing Flat No.7, Anisha Elegans S.No.17 /1+5 B + 6+ 7+9 of CTS No.567, Plot No.21, Kondhawa, Pune. It is further seen that the property was mortgaged, the previous owner had executed agreement to sale dated 17.6.2008 in the name of Parveen Shaikh but prior to that had executed power of attorney in the name of Ganesh Aanand Dhomkar who further made transaction with Taskin Shaikh on 18.1.2011. Thus it is seen that the dispute is of civil nature. It is learnt that court matters are also pending between the parties. Therefore such grievance cannot be entertained before the Forum.
9. It is to be noted that the change of name in respect of consumer namely Taskin Shaikh was effected in the year 2011. However the present consumer raised the grievance before IGRC on 18.6. 2016 i.e. after two years from the

date of cause of action. In this context, Regulation No.6.6 of MERC (CGRF & E.O.), Regulations, 2006 reads as under:

The Forum shall not admit any Grievance unless it is filed within two (2) years from the date of which the cause of action has arisen.

Thus change of name was effected in the year 2011. Accordingly bills have been issued to the consumer. The present consumer did not raise any objection about unauthorisedly effecting of change of name in favour of Taskin Shaikh for more than 2 years. Therefore the present grievance is time barred & cannot be entertained.

Hence the order:

ORDER

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

Delivered on: - 18.02.2017

Sd/-
S.S.Pathak
Member
CGRF:PZ: PUNE

Sd/-
B.S.Savant
Member/Secretary
CGRF:PZ: PUNE

Sd/-
S.N.Shelke
Chairperson
CGRF:PZ:PUNE

Note: - The consumer if not satisfied may file 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.