



(A Govt. of Maharashtra Undertaking)

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Consumer Grievance Redressal Forum

“Vidyut Bhavan”, Gr. Floor,

L.B.S.Marg,Bhandup (W),

Mumbai – 400078.

REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/142/ 17

Date:21.04.2017

Case No. 142/2017

Hearing Dt. 22/3/2017

In the matter of illegally change of meter in the name of Tatoba Shankar

Dhende without consent of owner illegally by respondent utility

Mr. Gautham Shankar Dhende

- Applicant

Vs.

M.S.E.D.C.L.Wagle Estate Thane Division

- Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri. Anil P. Bhavthankar, Chairperson, CGRF, Bhandup.
- 2) Shri.Ravindra S. Avhad, Member Secretary, CGRF, Bhandup.
- 3) Dr. Smt. Archana Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Shri. Gautum Dhende – Consumer Representative

C - On behalf of Respondent

- 1) Shri.Gauri J. Brahmane, Addl. Executive Engineer, Kisan Nagar Sub Division.

Consumer No. 000011400493 billing 4540 Kisan Nagar meter NO.7600138082

1. Above named consumer stating submitted that he is working as Forest Officer in Shahapur Thane. He own and occupied the premises situated in

Room No.205,Tajmahal Bldg, 2nd floor, Kisan Nagar No.02,Thane-400604. The said electricity connection was stands in the name of consumer Gautam Shankar Dhende till Feb. 2016. It is alleged that the person name Tatoba Shankar Dhende is step brother of consumer he requested consumer to occupy the premises for family function. Accordingly the complainant allowed him to occupy the premises Thereafter his step brother Tatoba Shankar Dhende not vacated the premises and continue the occupied the same till the dispute arrive. It is further submitted that the consumer Gautam Shankar Dhende is having all the document of Thane Municipal Corporation in his name which is attach along with complaint. On dated 17.09.2016 Consumer approach to the respondent utility and applied for the temporary disconnection of supply of his premises. Consumer attached copy of the said application dated 17.09.2016 requesting to disconnected supply temporary. Thereafter came to knowledge consumer that person occupied Tatoba Shankar Dhende made application to respondent utility for change of name of electricity meter on basis of forge and fraudulent document. After knowledge of this fact consumer approach of respondent utility officer after the change of name effected of his room in the name Tatoba Shankar Dhende. Therefore his approach 20.07.2016 and filed application was disconnected of supply and also raised dispute raising objection for change of name without his knowledge and consent in favour of Tatoba Shankar Dhende but respondent utility not acted on his request and change of name was continuously illegal. Therefore consumer approach to IGRC and raised the dispute by filing complaint in Schedule 'X'. After filing the complaint IGRC registered Case No.34/2016 on dated 17.09.2016 opportunity was given to the consumer and his representative IGRC pass order directing consumer to solve the dispute mentioning that the nature of dispute not falls in the

definition preview of grievance under MERC Regulation. It is also observed by IGRC that complainant Gautam Shankar Dhende is not consumer and IGRC rejected the grievance of consumer. Being dissatisfied with the decision of IGRC consumer approach to the Forum and filed complaint on 22.02.2017 in Schedule 'A'. It is contention of consumer that his owner and in occupation of the premises which is purchase by him notation entry in his favour also taken in Thane Municipal Corporation he filed all relevant document. The connection previously stands in the name Gautam Shankar Dhende his dispute initially before IGRC against the application filed by his step brother Tatoba Shankar Dhende who illegally made application for change of name in his favour by showing fraud document. It is alleged by complainant that his step obtained false maintenance receipt of room no 205. He also made complaint to senior police Inspector Shrinagar police station along with all document but the respondent utility official not properly verified and check the document filed by his step brother and illegal change the name of electricity connection in favour of his step brother. This fact of challenge by consumer in IGRC and respondent utility official along with all necessary documents. Consumer gave all details of filing application and the document which was produce along with complaint given details in the schedule in Para no. 9. Consumer pray that the effect of change of name may be quash and set aside original status in his name shall be maintain consumer request to disconnection supply temporarily on his request may be considered and appropriate order to be pass.

2. After filing this complaint on dated 22.02.2017 notice was issued to the consumer and respondent utility. After service of notice Respondent utility appeared and filed reply it is contention of respondent utility Tatoba Shankar

Dhende submitted application for change of name on occupying in the premises which stands in the name of Gautam Shankar Dhende. Tatoba Shankar Dhende also submitted agreement of sale, affidavit and NOC of society and maintenance charges paid receipt for the period 2008-2015. It is contention of respondent utility official that change of name effected on the basis of documents in favour of Tatoba Shankar Dhende. According to respondent utility the supply is given to premises and regular bill is being paid as the electricity meter stands in the name of Tatoba Shankar Dhende cannot be disconnected on application of consumer. Respondent utility filed all the document regarding change of effect application and documents submitted by Tatoba Shankar Dhende at the time change of electricity connection in his name.

3. I have perused consumer complaint. I also perused documents filed by respondent utility. In fair interest of justice I have given opportunity to Tatoba Shankar Dhende and issued him notice but the said person never appeared for the Forum and not consisted the claim therefore decision against Tatoba Shankar Dhende is taken ex-party. Respondent utility official submitted all the details in their Para- wise reply. I have considered the same.

After perusing the rival contentions of consumer and respondent utility, following points arose for our consideration to which I have recorded my findings to the point further reason given below

- 1] Whether change in the name of Tatoba Shankar Dhende effected by respondent utility official is legal valid and proper.
- 2] Whether the dispute raising grievance against illegal change of name falls within the definition of grievance

3] Whether consumer is entitled for any relief.

4] What order?

Reasons

4. I have given opportunity on following date to the consumer and his representative accordingly the matter was heard by this Forum. It appears that the disputed premises room No.205,Tajmahal Building, Kisan Nagar No.3 Road No.16, Consumer No 000011400493 meter no. 7600138082 stands in the name of Gautam Shankar Dhende, he was regularly paying the bill. Initially when the connection of was given in the name of consumer the document was verified and the connection was given in the name of consumer.

5. Accordingly to consumer his step brother requested him to occupy the said premises for family function. Being relation to pertaining to Tatoba Shankar Dhende at that time cordial consumer allowed him to entering premises. Thereafter the person name Tatoba Shankar Dhende made application before the respondent utility office on 09.09.2016 and he produce fraudulent document alleged to be executed which is Xerox copy dated 07.01.2004. Tatoba Shankar Dhende also produce fall maintains receipt of Room No.205 The said document alleged not verified properly and change of name was effected so far as the verification and genuineness of document the power of respondent utility official are restricted. It appears form the dispute when the premises earlier connection release in the name of Gautam Shankar Dhende verifying owner ship document and respondent utility official already acted to give connection in his name therefore it is incumbent on the part of

respondent utility official which required to issue notice for change of name or nature of such document transferring right title and interest by Gautam Shankar Dhende in favour of his Step brother Tatoba Shankar Dhende unfortunately no such document produce by person Tatoba Shankar Dhende at the time of effect change in his name. The grievance is made by the original consumer after notice of this fact. His request was not considered by respondent utility official when there are regulations in respect of on request of original consumer the temporary disconnection of supply request can be considered if the request is submitted by applying proper format. At this stage I am inclined to quote the Rules and Regulations for effect of disconnection of supply on request of consumer which reads as under *Disconnection on Consumer's Request* 9.8 *In case a consumer desires his supply connection to be permanently disconnected, he shall apply for the same in the format prescribed in Annexure 11.14 to this Code. The licensee shall give a written acknowledgment of receipt of such request, on the spot. 9.9 On expiry of 30 days' notice from receipt of an application for termination by consumer, the licensee shall disconnect the supply within three (3) days in Class-I cities, within seven (7) days in Urban Areas and within ten (10) days in Rural Areas.* In this case the original consumer has no other option to applying for respondent utility official and raise objection to temporally disconnection to his supply. I also challenge effect of illegal change name made by respondent utility official in favour of Tatoba Shankar Dhende and the consumer rightly raised the dispute.

6. To my view this Forum entitled to call the dispute arises against the consumer and respondent utility particularly if any illegal action taken by respondent utility official without verifying and validant the change effect of name in other person without giving any notice .On this point consumer and the respondent utility official filed several authority and Rules and Regulation indirectly contention that no supply can be disconnected on the request o consumer after the change effect made by the official and therefore original consumer remains without any relief.

7. It is necessary for me to mention that original consumer Gautam Shankar Dhende already filed regular civil suit No.648/2015 which was pending before Hon'ble civil court, Thane. On dated 07.02.2017 temporary injunction order filed copy by the consumer granting injunction in his favor and against the respondent utility who is subsequent change Tatoba Shankar Dhende directing restrained for creating any third party interest if any manners in respect of to flat till the conclusion of dispute. If order effected during the process of hearing of this complaint therefore the nature of relief effected in the hearing in favour of consumer. Accordingly to me the respondent utility official wrongly place reliance on the document submitted by Tatoba Shankar Dhende and change was effected in his name. The said document are seriously question in court of Law competent court who are suppose to deal with this document .On the face of record in regulation of effecting change of name proper care and genuineness of document prima-facie not seen by respondent utility and the change subsequently made in the name of Tatoba Shankar Dhende according to me is illegal and in proper which causes serious prejudice to the right title and interest of original consumer Gautam Shankar Dhende. In this circumstances I am inclined to give direction to

respondent utility protecting right of original consumer Gautam Shankar Dhende that respondent utility shall restore the name of Gautam Shankar Dhende and the change in his favour shall be made immediately. I also inclined to allow consumer to filed application for temporary disconnection of service if he desired proper format and following rules and regulation and respondent utility shall considered in accordance with law. The connection change in the name of Tatoba Shankar Dhende is illegal improper stands set aside. Hence I proceed to pass following order.

ORDER

1. The consumer complaint No. 142/2016 is allowed.
2. The Respondent utility officer directed to restore the change of name in favor of Gautam Shankar Dhende and change shall be effected immediately. The consumer at liberty to filed fresh application for temporary disconnection of supply in proper format in accordance with rules and regulation. The connection stands in the name of Tatoba Shankar Dhende is illegal improper stands set aside.
3. No order as to the cost.

Proceeding close.

Both the parties be informed accordingly.

The order is issued under the seal of Consumer Grievance Redressed Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup.

Note:

1) If Consumer is not satisfied with the decision, it may proceed 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 file representation before the Hon. High Court within 60 days from receipt of the order.

I Agree/Disagree

I Agree/Disagree

DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP

ANIL P. BHAVTHANKAR
CHAIRPERSON
CGRF, BHANDUP

RAVINDRA S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP