

(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/17/164

Date:26.09.2017

Case No. 17/2017

Hearing DT: 08.08.2017

**In the matter of changing & restoring the name of electricity meter, which stands in the N/o Mrs. Rajwati Bai**

**Mr. Surendra Shivram Gaikwad**

**– Applicant**

**Vs.**

**M.S.E.D.C.Ltd., Ex.Engineer, Pannalal Sub Division- Respondent**

**Present during the hearing**

A - On behalf of CGRF, Bhandup

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

**B - On behalf of Appellant**

1. Mr. Surendra Gaikwad- Consumer/Authorized Representative
2. Mr. Shiv prasad

**C - On behalf of Respondent**

Shri.Borikar,Addl. Executive Engineer, Pannalal Sub Division.

**Consumer No.000058293318**

1. Above named consumer filed this complaint against the respondent utility stating that the premise was given on rent agreement to Rajwatibai Saralal Gohitvalmiki by his mother Smt. Housabai Gaikwad.

After death of Mrs. Rajwatibai, legal heirs illegally changed the name of Ajay Bhoir, Sanjay Bhoir, Rajkumar Bhoir and Sachin Bhoir who claim to be son of Rajwatibai Bhoir by execution of agreement.

2. Thereafter, Shri. Sanjay Bhoir made an application to the respondent utility to change of name of this electricity meter on their name.
3. The respondent utility acted upon the said application after following due procedure and verification of documents, against which; present applicant Mr. Surendra Shivram Gaikwad filed complaint.

Initially the application was filed on 23.02.2017 before IGRC.

Consumer filed before this Forum, copies of:

- Legal Notice,
- Old Electricity Bill
- Agreement
- Lease Agreement and
- PR Card Inquiry Register Extract and
- all relevant document.

As the complaint was not decided within a time frame of 2 months by the IGRC, consumer approached this Forum and filed this grievance in form 'A', requesting to restore the name of Rajwatibai Saranlal Bhoir instead of Mr. Ajay, Sanjay and Rajkumar Bhoir.

4. After receiving the said application this office has registered it as case no. 17/2017. Notice was issued to the respondent utility.
5. After service of notice respondent utility appeared and filed reply on 03.07.2017. Respondent utility submitted that Mr. Surendra Shivram Gaikwad had filed an application for change of name as the premises is

owned by Smt. Housabai Shivram Gaikwad, on lease from Mr. Gunaji Gopal Kirkire. Earlier the connection was in the name of Shri. SM Bandekar.

6. Thereafter SM Bandekar transferred the premises to Smt. Rajwatibai Saralal Gohit. Despite service of notice to Shri. Surendra Gaikwad and Smt. Rajpatidevi, they did not attend the enquiry. Thereafter present applicant, Shri. Surendra Gaikwad requested to cancel and revert the changes in name of electricity meter in the name of old consumer. Smt. Rajpati Shivbadan Prasad submitted documents of the premises. Both the parties submitted documents to show ownership to the office.

7. It is seen that there was dispute about the ownership of the premises between parties. Thus, the Office obtained legal opinion on this matter and verification of all documents was made.

8. Since no reply received, it was posted for hearing on 17.05.2017 by IGRC. The said grievance was rejected by IGRC on the ground that applicant is not consumer and thereafter again matter was referred for legal opinion and no further action was taken till date.

Respondent utility submitted copy of reminder letter to legal cell 30.06.2017.

All relevant documents produced by both the parties.

9. Respondent utility informed the original consumer regarding objection raised by Shri. Surendra Gaikwad about change of name, directing him to produce the relevant documents. Opportunity was given to the present occupant in whose name electricity connection stands.

Both the parties appeared before this Forum. Opportunity for hearing was given to both parties.

10. After perusing the rival contentions, following issues were framed, to which I have recorded my reasoned findings point wise.
- a. Whether present applicant Shri. Surendra Shivram Gaikwad through Smt. Housabai Shivram Gaikwad is entitled to change of name and raise an objection?
  - b. Whether reserve the change of name Mrs. Rajpati Shivbadan Prasad can be made?
  - c. What order?

**Reasoning**

11. I have perused the dispute raised by Shri. Surendra Gaikwad before IGRC cell. It is observed that Shri. Surendra Shivram Gaikwad is claiming ownership of the premises through his mother Smt. Housabai Gaikwad.

The documents produced by him and perused by us include:

- lease deed executed in favor of his mother by Shri. Gunaji Gopal Kirkire,
  - copy of extract of PR card
  - his correspondence/ documents with the revenue officer/ deputy collector
  - order passed
  - city survey abstract
12. The present occupant, who is son of Smt. Rajwatibai Saralal Gohit, claims possession by way of agreement executed by Bhoir family. He also has filed relevant documents to show that he has obtained the possession from Mr. Bandekar.
13. During the course of hearing, Shri. Surendra Gaikwad admitted that Mr. Bandekar was occupant of the premises earlier before execution of document in favor of Mrs. Rajvati bai.

14. Respondent utility submitted that the original connection stands in the name of Shri. S. M. Bandeker and thereafter it was changed in the name of Shri. Rajpati Shivbadan Prasad whose death certificate is on record. Shri. Ajay Bhoir, Shri.Sanjay Bhoir,Shri. Rajkumar Bhoir and Shri.Sachin Bhoir have executed agreement in the name of Shri. Rajpati Shivbadan Prasad. The document shows that now the property is purchased by Shri. Rajpati Shivbadan Prasad.
15. After scrutiny of the documents, it appears that there is a serious dispute regarding legal rights of transfer/ ownership of this property; which is an exclusive jurisdiction of civil court. Coming to the objection filed by Shri.Surendra Shivram Gaikwad to restore the name of old consumer and to transfer it in the name of Shri. Rajpati Shivbadan Prasad. It is on record that Shri. Rajvantibai Sarlal Ghohit Valmiki is dead and the property is transferred by his legal heir in the name of Shri. Rajpati Shivbadan Prasad. Thus, the said objection is not tenable.
16. Considering the status of present applicant Shri. Surendra Gaikwad, who claims to be the owner of premises by way of execution of the Lease Deed in favor of his mother Smt. Housabai. The said owner is required to file this litigation before the Civil Court for his Title. With respect to the complaint filed before this Forum, Smt. Housabai Gaikwad is neither a consumer of the respondent utility nor the occupant of the premises.
17. The connection is used by Shri.Rajpati Shivbadan Prasad on the basis of document executed by Smt.Rajvanti who claim to be original consumer. Smt.Housabai Gaikwad has to seek order from the competent civil court to prove her status.
18. This Forum has arrived at the conclusion that the consumer supply cannot be disconnected on this ground.As far as recovery of

bill is concerned, the person using it is liable to pay the charges to respondent utility till the connection in existence.

19. The prayer of Shri. Surendra Shivram Gaikwad cannot be entertained as he is not the consumer. IGRC has rightly rejected the application on this ground. Hence, I do not find any ground to grant the prayer of Shri. Surendra Shivram Gaikwad to restore the connection in the name of old consumer. Hence consumer complaint liable to dismissed.I proceed to pass following order

**ORDER**

1. The consumer complaint no. 17/2017stands dismissed.
2. No order as to the cost.
3. Both the parties should be informed accordingly.

Proceedings closed.

The compliance should be reported within 45 days.

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

Note:

- 1) If Consumer is not satisfied with the decision, he may file representation within 60 days from the 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**