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Consumer Grievance Redressal Forum

“VidyutBhavan”, Gr. Floor,

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

Date

Case No. 623

Hearing Dt. 16.10.2015

In the matter of change of name

Shri. Sudhirchandra Joshi - Applicant

Vs.

M.S.E.D.C.L., Bhiwandi, Torrent Power Limited, Bhiwandi - 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. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Applicant

- 1) Shri. Pravin Thakkar - Consumer

C - On behalf of Respondent No. 1

- 1) Shri. R.R. Beloskar, Executive Engineer, Nodal Office Bhiwandi.
- 2) Shri. S.K. Dhope, Assistant Engineer, Nodal Office Bhiwandi.
- 3) Mrs. Hemangi Mayekar, Assit. Manager, TPL, Bhiwandi.

ORDER (Passed on 16.10.2015)

1. Above named consumer has filed this complaint against the order of IGRC passed on his application on the ground that change of service connection

No.13010000097 is incomplete and cannot be proceed hence dispose of. According to the consumer, he wanted to change the name on which Torrent Power Ltd had given the supply initially. He has stated that he was the occupant of the said premises since 1975, which was initially on the name of Manubhai Shah who sold it to Mr. Kantibhai Prajapati, who in turn sold it to Mr. Kishor Premchand. As per section 43 of Electricity Act, the said premises is occupied by Dr. Sudhirchandra Joshi till date.

It is submitted by consumer that his prayer was rejected by respondent utility without any justified reason.

2. After filing the complaint before CGRF, the notice was issued to respondent utility. Respondent utility appeared and filed its say. It is contention of utility that the service no 13010000097 was released on 01.01.1986 in the name of Shri. R.N. Patel. There was an application for change of name but the said application was not complete. Regulation 10.3 MERC (supply code and other condition of supply 2005) is required to be considered for the change in name:
 1. The company totally relies on the order passed by the IGRC dated 29.10.2015 (order No. IGRC/TPL/BWD/20). The utility has requested Forum to refer to the above mentioned order.
 2. As per IGRC records, Service no 1301000097 was released on 01.01.1986 to Mr. R.N.Patel. But the consumer has submitted to the Forum as:
 - a. Owner of the premises was Shri. Manubhai Shah and Mr. R.N. Patel is the tenant.
 - b. Mr. Manubhai Shah had sold this property to Mr. Kishore Premchand.

- c. Dr. Sudhir K Joshi had taken Premises leave license made by Shri. Joshi, as per norms is not hence consumer compliant rejected.
3. It is observed by IGRC that the present consumer applicant Dr. Sudhirchandra Joshi has not complied with required condition. Also during the spot inspection it was found that Dr. Sudhirchandra Joshi is not occupying the premises and presently he is settled at Pune. As per clause 10.3 of MERC 2005 the applicant is required to file relevant documents viz. **proof of ownership**, all other legal documents, application for change of name, process fees etc.; without which no transfer of name is permissible.

Respondent utility and IGRC rejected an application for change of name because applicant failed to submit these documents.

4. Being aggrieved by the order passed by IGRC in case No.15/2015 (decided on 24.10.2015), complaint has been filed before the Forum on 07.11.2015 along with copies of his electricity bill, application dtd. 28.01.2015, pan card, Aadhar card, registration, dispensary, registration of Bhiwandi corporation, ration card, rent receipt, license from shop and establishment, affidavit regarding non availability of NOC dated 01.02.2013.
5. After filing this complaint notice was issued to respondent utility, who filed their reply on 07.12.2015. It is contention of utility that after receiving the application for change of name, the applicant Dr. Sudhirchandra Joshi was directed to submit proper authorization and owner's consent letter along with all other legal documents.
6. However it was learned that the original owner Mr. R.N.Patel had

already sold his property to Mr. Manubhai Shah who in turn sold it to Mr. Kishor Premchand.

The agreement which is filed by Dr. Sudhirchandra Joshi was entered into between Mr. Manubhai Shah who is not present of owner. Also Dr. Sudhirchandra Joshi is presently settled at Pune and is not occupying the premises. Therefore change of name is not permissible. The consumer filed this grievance without any legal and valid documents. Also prima facie it is found that he is not in possession of the premises. Thus, the application for change of name is liable to be dismissed.

7. After perusing the rival contentions of consumer and respondent utility, following points arose for our consideration:

- 1) Whether this consumer had duly complied with the Rules and Regulation 10.3 and produced legal and valid documents as required.
- 2) Whether consumer applicant Shir. Shudhirchandra Joshi is entitled to the relief claimed by him?
- 3) What ordered?

Reasons

8. Full opportunity was given to both the parties. It appears that Dr. Sudhirchandra Joshi applied for change of name, relying upon rent receipt and agreement executed by Mr. Manu Shah who is not the present owner of the premises. Surprisingly original service connection stands in the name of Mr. R.N. Patel. None of the previous owners

attempted to change name of service connection in their name. It further appeared that Dr. Sudhirchandra Joshi gave said premises to Mr. Mukesh K. Jain who is not an occupant or user of the said premises.

9. Accordingly respondent utility made spot inspection. During their inspection it was found out that the consumer is not an occupant. Also proper legal validation of documents by existing owner is not done. Therefore unless original service holder execute documents in favor of recent owner (who appears to be Mr. Kishor Premchand as per the findings of IGRC) change in the name of
10. The respondent utility is not informed by the previous legal owner about transfer of ownership. The utility is required to follow mandatory procedure as per Regulation 10.2 and fulfill the terms and conditions as mentioned section 14.3 of E.A. The question of electricity supply to premises is applicable only in case of legal occupant or the owner himself. In this case present consumer is neither an occupant nor legal owner. Therefore Dr. Sudhirchandra Joshi who **ceased** to be an occupant of premises is not entitled to seek remedy under this Act.
11. After considering all the facts, we found that the present consumer the Dr. Joshi is not entitled to change the name of service connection to his name unless he complies with all the requirements, terms and conditions of Rules of Regulation No.10.3 scrupulously. Hence we arrive at a conclusion to dismiss consumer complaint no 623 and proceed to pass following order.

ORDER

- 1) Compliant no 623 stands dismissed.

No order as to the cost.

Both the parties be informed accordingly.

The compliance should be reported within 45 days.

Proceeding closed.

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.

DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP

SHRI. ANIL P. BHATHANKAR
CHAIRPERSON
CGRF, BHANDUP

SHRI. RAVINDRA S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP