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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/

Date

Case No. 534

Hearing Dt. 03/05/2014

In the matter of change of name and Transfer of Security deposite

M/s. Kanakia Properties Pvt. Ltd., - Applicant

Vs.

M.S.E.D.C.L., Thane Urban Circle - Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

1) Shri S.K. Choudhary, Chairman, CGRF, Bhandup.

2) Shri R.M Chavan, Member Secretary, CGRF, Bhandup.

B - On behalf of Applicant

1) Shri Deepak Dhanoria , Consumer Representative.

C - On behalf of Respondent No. 1

1) Shri. V.S. Pathak, Executive Engineer (Adm.) Thane Urban Circle

ORDER

M/s. Kanakia Properties Ltd. is a High Tension Consumer under Sr. No. 000019024730 at Teen Hath Naka Thane (W). The Kanakia Properties is a shopping mall know as Eternity Mall Premises Co- Op Soc. Ltd. The H.T. electric connection with sanctioned load of 390 KW and Contract Demand 300KVA billed with H.T. II N Commercial tariff.

M/s. Eternity Mall Premises Co-Op Soc. Ltd. had applied for change of name to the utility on 10.10.2013. on scrutiny, it was observed that no objection certificate and consent letter for transfer of existing security deposite Rs. 690700/- from out going consumer (i.e. M/s. Kanakia Properties Pvt Ltd.) was not submitted.

The By Laws of society was also not available with the proposal for change of name . The utility (in the present case referred as to the Respondent) therefore requested to M/s. Eternity Mall Premises Co-Op Soc. Ltd to produce statutory document to process the proposal.

The complainant has submitted only the copy of By Laws of society; but failed to submitte the NOC and consent from M/s. Kanakia Properties Ltd.

The Respondent also asked to M/s. Kanakia Properties Ltd. to file his say, if any or NOC within 10 days regarding change of name proposal, but got no response.

Gist of Representation is the outgoing consumer has not issued NOC for change of name and the consent to transfer the S.D. amounting Rs. 690700/- to the account of new incoming consumer M/s. Eternity Mall Premises co-op-soc Ltd. In such circumstance if, he connection and amount if transfer in the name of incoming consumer may create litigations.

The Respondent therefore asked the incoming consumer to pay the fresh security deposite amounting Rs. 331020/-. So as to effect the change of name proposal.

The matter was heard on 03/05/2014; both the parties were present; Perusal of record and arguments during the hearing revealed that the Respondent's view is affirmative in respect of complainant request for change of name, only hitch is, if the outgoing consumer objected in future against the change of name and claimed the refund of security deposite the Respondent may come in trouble and will have to face litigations.

The Forum therefore feels that it will be fair and proper to put on record the subjective terms and conditions while effecting the change of name and transferring the amount of security deposite in the account of incoming consumer.

The Representative of consumer Shri. Deepak Dhanoria contended that the builder of M/s. Kanakia Properties Pvt Ltd is not co-operating but also not objected to the change of name process. He added that, as in the account of this service connection there is ample amount available with the utility, hence another fresh demand of security deposite is unwarranted.

He further shows willingness to take the responsibility for any consequences developed in future, for this he agreed to submitte the notarized undertaking/Affidavit on stamp paper that, "in case any demand from outgoing consumer for refund of existing security deposite Rs. 690700/- he will pay the fresh security deposite as per then demand of Respondent failing which utility will have liberty to take action as per provisions of Electricity Act and Regulations."

In view of above, Forum feels that Respondent should have no difficulty in effecting the change of name and transfer of S.D. amount to the incoming consumer.

During the proceeding Respondent agreed to process and effect the change of name following above mentioned procedure.

The incoming consumer being a co-operative society the undertaking should be duly signed by at least 2 members (i.e. Secretary and Chairman or treasure of the society)

The terms and conditions in the aforesaid undertaking should be very explicit and clear.

ORDER

On receipt of undertaking from the Society Members of M/s. Eternity Mall Premises Pvt Ltd., as elaborated above the Respondent is directed to process and effect the change of name proposal on payment of processing and agreement fees excluding the demand of fresh S.D.

The security deposit of old consumer M/s. Kanakia Properties Pvt Ltd. should be transfer in the account of incoming consumer according to the proposal of change of name

The order is passed by two Members of the Forum as consumer Member was not available during the proceeding.

The compliance should be reported within 30 days from date of receipt of this order.

No order as to cost.

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, and Bhandup on 8th May 2014.

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.

**S. K. CHOUDHARY
CHAIRMAN
CGRF, BHANDUP**

**R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP**

Consumer Grievance Redressal Forum
Maharashtra State Electricity Distribution Co.Ltd.

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L.B.S. Marg, Bhandup (W),
Mumbai – 400 078.

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

Date :- 15/05/2014

Case No. 535

Hearing Dt. 03/05/2014.

In the matter of P.D.bill disput & refund of S.D.

M/s. Shabz Mohd. Hussain Achhwa -

Applicant

