

**Consumer Grievance Redressal Forum  
Maharashtra State Electricity Distribution Co. Ltd.  
Bhandup Urban Zone, Bhandup**

Ref. No. Secretary/MSEDCL/CGRF/BNDUZ/                      Date

Case No. 291

Hearing Dt. 24/09/2009

**In the matter of change of name**

**Shri Vasant Ganesh Deokar.**                      -                      Appellant

Vs.

**MSEDCL, Bhandup Division**                      -                      Respondent

**Present during the hearing**

**A - On behalf of CGRF, Bhandup**

- 1) Shri S.L. Kulkarni, Chairman, CGRF, Bhandup.
- 2) Shri R.M Chavan, Member Secretary,  
CGRF, Bhandup.

**B - On behalf of Consumer**

- 1) Shri V.G. Deokar, President Adarsh Vidyalaya..

**C - On behalf of Respondent**

- 1) Shri R.P. Keni, Jr. Engr., Bhandup S/Divn.
- 2) Shri V.N. Rasal, Asstt. Accountant, Bhandup  
Division.

**Preamble :**

M/s. Adarshavidyalay is an educational institute and had taken premises D1, D2 & D3 at Kanjur village, Bhandup (E) on rent from Shri D.V. Shah in the year 1985. There after from 1986 owner is not accepting the rent from this institute to prevent from vacating these rooms M/s. Adarshavidyalay approached to Hon'ble Small Causes Court of Mumbai and obtain order of decree in the year 2001, which refrained the owner from disturbing the possession of the institute of the premises.

The owner of the premises D1, D2 & D3 has transferred the ownership to Smt. Sonal Narendra Shah, Smt. Neha Naresh Shah & Smt. Priti Jayesh Shah respectively in the year 2006. In this premises there are three single phase electric connections as under :-

<u>S. No.</u>	<u>Room no.</u>	<u>Previous Name</u>	<u>Present Name</u>
1)	D1	Shri H.V. Shah	Smt. S.N. Shah
2)	D2	Shri D.D. Chheda	Smt. N.H. Shah
3)	D3	Shri D.V. Shah	Smt. P.J. Shah

The Appellant came to know from the utility office that these all three electric connections, which were in the previous names have been transferred in the names as above.

The institute therefore approached to ICGRC, Thane circle in the year 2009. However after due hearing the ICGRC approved action taken by utility's Bhandup office for the change of name. Aggrieved of this decision.

Appellant institute has filed this appeal to the Forum, which is registered under case no. 291 and held the hearing on 24/09/2009.

**Appellant Say :**

The Appellant institute is lawful tenant of owner of the premises from the year 1985 this has been confirmed by Hon'ble Small Causes Court, Mumbai, by an order vide a decree dtd. 04/01/2002. No appeal has been filed against this order. Hence this decree is valid confirming the tenancy as well lawful possession as the Appellant institute. The Appellant came to know from the Respondent utility that the utility has changed the name of the original meter holders to the new names of the family members without the previous knowledge of the institute.

The Appellant could not get monthly energy bills from Respondent office from Jan-08 and hence approached Respondent with the written application for getting duplicate bills. The Respondent issued duplicate bills in the month of Nov-08, which indicated that the Respondent had change the name of all the three meter holders in the names of the female family members of Shah family; infact these family members do not reside at this premises at Kanjurmarg Village, infact they had also approached the Rationing office of the area for getting ration cards at the premises in possession of the Appellant institute. However at the strong objection raised by the Appellant institute to the Rationing office they could not get the ration card.

On filing an objection for the change of names of meter holders the Appellant did not get any response from the utility, despite constant persuasion and the change of name remained in effect. Appellant therefore filed complaint with ICGRC, Thane, requesting for cancellation of change made. The ICGRC did not grant any relief to the institute holding the view that the utility had taken action of change of names with due process of Rules and Regulations.

This appeal has therefore been filed against the orders of ICGRC. The Appellant claims that the institute is an actual occupier of the premises where the meter have been placed and this fact has been duly approved the Municipal Corporation and Hon'ble Small Causes Court in a decree dtd. 04/01/2002. These facts were brought to the notice of the Respondent. However they were ignored and the action of change of name continued.

**Utility Say :**

On the behalf of utility Shri R.P. Keni, Jr. Engr., Bhandup S/Divn. and Shri V.N. Rasal, Asstt. Accountant were present during the hearing. They stated that the three energy connections in the Appellants premises were in the name of Shri Dhanji Verishi Shah. He applied in the prescribed form 'A' to the utility's office as described in the MERC (Condition of Supply and other Conditions) Regulation 10.2 for change of names on dtd. 16/01/2007.

This change was requested in the name of his family members and all necessary documents were submitted as per directive given in MERC Regulation 2005 and accordingly the change of name of electric connection of the premises D1, D2 & D3 at Kanjur Village, Bhandup (E) were effected in the name of Smt. Sonal Narendra Shah, Smt. Neha Naresh Shah & Smt. Priti Jayesh Shah respectively.

Also the owner of the premises has given necessary N.O.C. to transfer the connection in the names as said above. Since the requirement as per the Regulations had been complied with; the change of names are effected.

**Observations :**

The matter was heard on 24/09/2009. Both the parties were present. Documents on records and deliberations of both the parties revealed that, the premises D1, D2 & D3 at Kanjur Village, Bhandup (E) were rented out to the educational institute Adarshavidyalay in the year 1985. However owner did not accept the monthly rent from this institute from 1986 and ask the institute for vacant possession. The institute then file the case in Small Cause Court with the prayer for not disturbing the occupancy and functioning of school premises. The Hon'ble Court passed decree order on 03/09/2001 in favour of the institute asking not to disturb the possession, interfere the functioning of the institute.

The original owner of the premises Shri D.V. Shah handed over lawful ownership of room no. D3 in the Shah

colony, Kanjur Village, Knjur Marg (E) to Mrs. Priti J. Shah in the year 2006 including electric connection no. 000055089698.

The owner of the premises Shri H.V. Shah handed over the lawful ownership of room no. D1 at Datar Colony Kanjur Village, Kanjur Marg (E) to Mrs. Sonal N. Shah in the year Dec.2006 including electric connection no. 000055089671.

Similarly the premises D2 of Shah Colony Kanjur Village, Kanjur Marg (E) owned by Shri Dhiraj Kumar Chheda was handed over the lawful ownership to Mrs. Neha H. Shah in the year Dec.2006 alongwith electric connection no. 000055089680.

The documents of proof for ownership of premises are duly notarized similarly the original owners of the premises had given NOC for change of name of electric connections in the name of 1) Mrs. Sonal N. Shah 2) Mrs. Neha H. Shah & 3) Mrs. Priti J. Shah, which are also duly notarized.

With this documents Mrs. Sonal N. Shah, Mrs. Priti J. Shah and Mrs. Neha H. Shah were applied for change of name of respective electric connections in the premises to the utility on dtd. 14/01/2007.

Accordingly on the payment of necessary charges, utility transfer the name of electric connections in the name of applicants.

From the above the Forum observed that the utility have change the names of connection holders and followed the procedure laid down in the regulation 10 of the MERC (Electric supply code and other conditions of supply) Regulation 2005 which reads as :

**10 Change of name :**

10.1 *A connection may be transferred in the name of another person upon death of the consumer or, in case of transfer of ownership of occupancy of the premises, upon application for change of name by the new owner or occupier:*

10.2 *The application for change of name shall be accompanied by such charges as are required under the approved schedule of charges of the Distribution Licensee.*

10.3 *The application under Regulation 10.2 shall be accompanied by :*

- (i) Consent letter of the transfer for transfer in the name of transferee;*
- (ii) In the absence of a consent letter, any one of the following documents in respect of the premises: (a) proof of ownership of premises (b) in case of partition, the partition deed; (c) registered deed; or (d) in case of partition, the partition deed; (c) registered deed (d) succession certificate.*

On going through the decree order passed by Hon'ble Small Cause Court, Mumbai, it is observed that the said decree order issued to Smt. Maniben Shamji

Shah and Smt. Laxmibai Nanji Shah to restrain from disposing and/or disturbing, obstructing or interfering with the possession of educational institute, Forum feels that the decree order is in the name of third party which are no where in the picture in transferring the name of electric connections. It is also observed that the tenant Adarsh Vidyalay is not a consumer of MSEDCL, utility. N.O.C. for change of name were given by the respective original consumers and accordingly utility has change the names which is in accordance with the regulations.

Thus the institute is only in possession of the property D1, D2 & D3 of Kanjur village, Bhandup (E) but not using and kept under lock & key for want of adequate marathi learning students as stated by Appellant during the course of hearing.

Here the prayer of the applicant for transfer of connections in the previous name is baseless and has no locus sandy.

As per the submission of the appellant the documents produced by the applicant for getting the change of name to the utility are bogus and fraud. If such is the case, Forum has no purview to decide the authenticity of notarized documents and to decide the ownership of the premises and it is not in the ambit of this Forum. for which the Appellant should move to the appropriate Court.



Hence the applicant's prayer to transfer the electric connections to the previous names is hereby rejected.

As regards Appellants prayer for requesting compensation for Rs, 25000/- towards the cost incurred in travel etc. The Forum does not find any basis to satisfy it neither the Appellant could give any justification and hence does not deserve any consideration, thus dismissed.

### **ORDER**

1) The action taken by the utility in respect of change of names are as per directives given in MERC (Electric supply code and other conditions of supply) Regulations 2005. There in Regulation 10 and hence in order. The prayer of the Appellant for change of names on the previous consumers are rejected.

2) As regards claim of Appellant towards defendant production of fraudulent documents it is for the appropriate Court to take the cognizance.

3) The claim of the Appellant of compensation is dismissed.

Both the parties be informed accordingly.

No order as to cost.

. The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 5<sup>th</sup> of Nov. 2009.

Note : 1) If Consumer is not satisfied with the decision, he may go in appeal 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 go in appeal before the Hon. High Court within 60 days from receipt of the order.

**S.L. KULKARNI  
CHAIRMAN  
CGRF, BHANDUP**

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