



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. K/N/0119/950 of 2013-14

Date of Grievance : 22/04/2014

Date of Order : 26/05/2014

Total days : 35

IN THE MATTER OF GRIEVANCE NO. K/N/0119/950 OF 2014-15 IN RESPECT OF DEEPAK P. NIRGUDE, BARRACK NO. 1679, ROOM NO.1, SECTION 25, BEHIND CANARA BANK, ULHASNAGAR 421 004, DISTRICT THANE REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING CHANGE IN NAME.

Deepak P. Nirgude,
Barrack No. 1679, Room No.1,
Section 25, behind Canara Bank,
Ulhasnagar 421 004,
District-Thane.

.... (Hereafter referred as Consumer)

Consumer No.. 021514017015)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Dy. Executive Engineer, MSEDCL,
Ulhasnagar Sub-Divn.-IV,

.... (Hereinafter referred as Licensee)

Appearance : For Consumer –In person.

For Licensee - Shri Khan –Nodal Officer/Exe.Engineer
Shri Pachpohe-Dy.Exe. Engineer

(Per Shri Sadashiv S.Deshmukh, Chairperson)

1] Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003.(36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressal Forum has been established as per the notification issued by MERC i.e. "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress

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the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as 'Regulation'. Further the regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission. Hereinafter referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005.' Hereinafter referred 'SOP' for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2005'.

2] Applicant approached Licencee for effecting change in name towards consumer No. 021514017015 standing in the name of Smt. Chandabai, on the ground that heirs of said Chandabai transferred the said premises along with electric supply to the mother of applicant namely Laxmibai Nirgude. He claim to be the heir said Laxmibai along with his brother Sunil. His application was not granted and he was asked to provide various documents. Consumer initially approached Officers of Licencee on 19/12/2013, then approached IGRC on 21/2/2014. There is no any progress therein and after completion of 60 days he approached this Forum on 22/4/2014.

On receiving this grievance it's copy along with accompaniments sent to the Licencee vide this Office Letter No. EE/CGRF/Kalyan /0161 dated 22/4/2014. In response to it, Officers of Licencee appeared and filed reply, dated 19/5/2014.

3] Matter taken up for hearing on 20/5/2014. Both sides made submissions in tune with their respective contentions. Officers of Licencee contended that, consumer was asked to supply, Succession Certificate/ Heirship Certificate Genealogy, no objection from all other legal heirs, House tax receipt of Municipal Corporation and documents showing ownership of applicant and all documents duly attested. Though Dy. Exe. Engineer informed these things to the consumer and sought

compliance. Simultaneously addressed letter to Legal Advisor on 4/1/2014 and it is clarified in the reply that Legal Officer provided reply on 4/4/2014, communicating the fact that applicant be asked to submit No Objection of Legal Heirs of Chandabai for change of name on Non Judicial stamp of Rs.100/- and which is not complied.

4] Consumer, all the while, in his communication to the Officer of Licence submitted, he is attending with all the originals, copies are filed and originals be verified. In this regard, Officer of Licence, tried to maintain his stand that as required under the Regulations, guidelines, attested copies are to be filed. Question came up, if, original itself is placed on record, is there any bar for verifying it and recording it on the copies. No doubt, Officers tried to insist on attested copies only. But, we find, attested copies are sought, or provision is made in that respect, taking into account that such applications are sent to the Licencee following different modes and parties cannot be forced to bring originals. Accordingly, we find when originals are brought and originals are tried to be shown or offered for verification, it cannot be refused. Rather it will be a strong case, when original comes before the Authority. It is not convincing that Officers cannot verify with the help of original the copy on record. An extreme case can be perceived about original enclosed with the application, in that case, it will not be proper to reject the application for want of attested copy. Accordingly, attestation is a facility for the consumer so as to make it convenient to apply, following different modes without producing originals. This argument also found, now not relevant, as almost all documents sought by Officer are not endorsed by the Legal Advisor and said Legal Advisor restricted for compliance about the 'no objection certificate from heirs of late Chandabai' in whose name supply is standing. In this regard applicant/consumer pointed out placing before us the original sale deed that sale deed itself is executed by the Legal Heir of Chandabai and it is a transfer of premises along with electric supply. At this stage, it is to be appreciated that when heir of Chandabai transferred the premises and if there is supply in the premises for which change in name is sought, on the basis of said sale deed, there is no question of again seeking no objection from heirs of Chandabai.

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Citations in the sale deed to that effect are just sufficient to treat it as compliance. Accordingly, the requirement as per Legal Advisor is already complied and hence, consumer is entitled to change in name which Officer of Licencee is to give effect.

5] If, once aforesaid conclusion is arrived at, the objection raised by Dy. Exe.Engineer, remains only of academic nature and we find, those objections lost any force. In respect of Succession Certificate or Genealogy or heirship record, legal document is sought. Now, it is not in dispute that mother of consumer who purchased the premises, died in the year 2011, thereafter admittedly, consumer is occupying the premises. He is having brother namely Sunil and Sunil has given a declaration in favour of applicant for change of name. If, once, these admitted positions are coming on record, instances of other things, will be futile. Secondly, House Tax Receipt of Municipal Corporation is sought. No doubt, if, change is effected, it can be given, but question comes up is it necessary. At the most, it will decide the tax liability of the premises by the person in whose name it is standing or who is occupying it. Towards obtaining, no objection certificate of other heirs, on affidavit, we find. when there is declaration given along with undertaking by consumer, it's insistence is not proper, more particularly in the light of these peculiar circumstances.

6] In the light of above, we find all these objections are found not relevant at this stage. In result, this grievance application is to be allowed.

Hence the order.

ORDER

Grievance application of consumer is hereby allowed.

Licencee is directed to give effect in change of name for the supply entering name of this consumer within a month from the date of receipt of this order and to submit it's compliance within further 15 days.

Dated:26/5/2014

I agree

I agree

(Mrs.S.A.Jamdar)
Member
CGRF,Kalyan

(Chandrashekhar U.Patil)
Member Secretary
CGRF,Kalyan

(Sadashiv S.Deshmukh)
Chairperson
CGRF, Kalyan

NOTE: -

- a) The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address.

“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”.

- b) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-

“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”

- c) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.

