



Consumer Grievance Redressal Forum, Kalyan Zone
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No. **K/N/137/1118 of 2015-16**

Date of Grievance : 24/08/2015

Date of order : 15/12/2015

Total days : 114

IN THE MATTER CASE OF GRIEVANCE NO. K/ N/137/1118/2015-16 IN RESPECT OF SHAMLAL N. BATREJA (SMT KALAWANTIBAI N. BATREJA) B.K. NO. 1899, ROOM NO. A-1, SECTION-40, ULHASNAGAR-5, PIN CODE – 421 005, DIST. THANE REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING ILLEGAL CHANGE OF NAME.

Shamlal N. Batreja (Smt.Kalawantibai N.Batreja),
B.K.No.1899, Room No. A-1,
Section-40, Ulhasnagar-5,
Pin Code – 421 005.

..... (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited
through its Nodal Officer,
MSEDCL, Kalyan Circle-II, Kalyan

..... (Hereinafter referred as Licensee)

Appearance : - For Licensee : Shri D.B.Pawar - AEE, Ulhas -V S/Dn.
For Consumer-Consumer's Representative, Shri Rajput.

(Per C.U.Patil-Executive Engineer – cum- Member Secretary)

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 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 & Determination of Compensation) Regulations, 2014.’ Hereinafter referred ‘SOP’ for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2014’.

The consumer Shri Shamlal N. Batreja, the care taker of Smt. Kalawantibai N. Batreja who was holding her connection with consumer No. 021514624035 at Barrack No. 1899, Room No. A-1, Section 40, at Ulhasnagar-05, approached to IGRC with his complaint dated 29/12/2014 with the grievance that the name of Smt. Kalawantibai N. Batreja which is changed in the electricity bill from Batreja to Shri Anil Balu Kunche, is not correct. Shri Shamlal Batreja, care taker of Smt. Kalawantibai had taken objection on 11/2/2014. In spite of his objection, the name in the electricity bill was changed by name of Shri Kunche in the month of March 2014. Batreja contended in the IGRC that the said property is under dispute and in that connection the case bearing RCS No.97/2012 is subjudice before the Hon’ble Court at Chopada , Ulhasnagar.

The above contention is made by Shri Shamlal. The Licensee's Officers says that the concerned change of name was done on the basis of registered sale deed and tax receipt which are in the name of Shri Anil Balu Kunche and also added that address on sale deed and on tax receipt is one and the same.

Accordingly IGRC vide order No. 2461 dated 24/6/15 given the decision and rejected the application of Shri Shamlal Batreja, stating that the grievance was not presented by the consumer and the person appeared before IGRC, i.e. Shri Shamlal Batreja has not secured or demonstrated his status as consumer within the meaning of Section (2) (15) of Indian Electricity Act 2003 or also not appeared as consumer's representative. IGRC mentioned that Shri Shamlal has filed the Case bearing No. 97/2012 to the Court at Chopada Ulhasnagar for the said property and matter is subjudice and hence as per MERC Regulation 2006, Section 6.7 (d) , IGRC has no jurisdiction now to entertain in this matter.

Aggrieved with the decision of IGRC, Shri Shamlal Batreja approached to CGRF and submitted application in Schedule "A" dated 22/8/2015, which was registered by allotting No. K/N/137/1118 dated 24/8/15. The hearing was scheduled on 21/9/15 at 14:30 hours and the same was conveyed to the Executive Engineer –cum-Nodal Officer of KC-II vide letter No. 257 dated 25/8/15.

But public holiday was declared on 21/9/15 and hence matter was rescheduled on 29/9/15 and same was conveyed to the Licensee's Officer and the applicant vide letter No.270 dated 7/9/15.

Accordingly hearing was conducted on 29/9/15 in which Licensee's Officer produced their contentions vide submissions AEE/Ulhas-05 B/1679 dated 22/9/15 and submitted their points as given below:

- 1] The change in the name of the aforesaid flat has been effected on the strength of application from Shri Anil Balu Kunche along with affidavit registered purchased deed and latest tax receipts in the name of transferee.
- 2] As per conditions of supply based on MERC Regulation 2005, Clause 204, transferee has to produce any of the documents mentioned from (a) to (f) for justifying the lawful occupants of the premises. The application was generally found in the order hence change of name has been effected in the month of April 2014.

The above submission was made by EE / Ulhas-05 S/dn to Shri Shamlal Batreja in response to this application dated 22/8/15 with its copy further submitted to the Forum. Forum observed that the documents enclosed along with above submission, are found in the name of Anil Balu Kunche.

In the reply, Shri Shamlal Batreja produced his submission, i.e. letter dated 11/2/15 which was submitted by him to the AEE of Ulhas-05 Su/dn and it is observed that Shri Shamlal Batreja mentioned about the dispute of the premises which is registered in the Court and hence requested for not (issuing)receiving any meter of Electricity to others name in the disputed premises. He has enclosed the copy of the Civil suit

registered at RCS No. 97/2012, in which it is observed by this Forum that the Shamlal Batreja is being plaintiff and Shri Bhagwandas S Batreja and Smt. Kanchan D Kukreja are being the defendants. It is also observed by the Forum that in the said Court matter, address mentioned by Shamlal, i.e. Room No.1, Bk. No.1899 , Ulhasnagar-05, is the same as appearing in the electricity bill and about which the applicant has already approached to the IGRC. At present, the matter under dispute about the said property registered at Chopada Court , Ulhasnagar vide RCS No.97/2012 is subjudice. As per MERC Regulation 2006, (CGRF & EO) Section 6.7 (d), the Forum shall not entertain the grievance where a representation by the consumer, in respect of the same Grievance, is pending in any proceedings before any court, tribunal or arbitrator or any other authority, or a decree or award or a final order has already been passed by any such court, tribunal, arbitrator or authority. Hence, the Forum has arrived at the conclusion that the matter on the disputed property is already pending before the Hon'ble Court and hence as per the Regulations laid down above, the Forum cannot entertain this grievance.

This matter could not be decided within time as Licensee was to provide the details sought from time to time, those were provided on 29/09/15 and their submissions are heard on that day and clarification taken on 17/11/15. **Moreover, the Forum is functioning in absence of regular Chairperson and the Member Secretary is discharging the additional work of Chairperson along with the regular work of Member Secretary.**

Under the circumstances described in above paras, the grievance of the consumer deserves to be rejected.

Hence the order.

ORDER

The grievance application of the consumer is hereby rejected for want of jurisdiction.

Date:15/12/2015.

I agree

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

**(Chandrashekhar U.Patil)
Chairperson-cum- Member Secretary
CGRF,Kalyan.**

**** (In the sitting of Forum, the Chairperson is not available. As per MERC Regulations (2006), Clause 4, the technical member shall be the Chairperson of such sitting in which Chairperson is not available and hence in the present case, the technical member performed the role of Chairperson of the Forum).**

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
- c) 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”
- d) 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.