



**CONSUMER GRIEVANCE REDRESSAL FORUM
M.S.E.D.C.L., PUNE ZONE, PUNE**

Case No. 07/2018

Date of Grievance : 01.02.2018

Date of Order : 15.03.2018

In the matter of change of name of deceased consumer and request of P.D.

Shri. Anant Tukaram Jadhav, Flat No.6, Landmark Pride CHSL, Bhangarwadi, Opp.Shradhha Hospital, Lonavala - 410401.	----	Complainant (Herein after referred to as Applicant)
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Versus

The Executive Engineer, M.S.E.D.C.L., Rajgurunagar Division, Pune.	----	Respondent (Herein after referred to as Licensee)
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Quorum

Chairperson	Mr. B.D.Gaikwad
Member/Secretary	Mrs.B.S.Savant
Member	Mr. S.K.Jadhav

Appearance

For Consumer	Mr.Anant Tukaram Jadhav
For Respondent	Mr., Ex.Engineer, Rajgurunagar Division Mr.Chavan, DyEE, Lonavala S/dn.

- 1) The applicant has filed present Grievance application under regulation no. 6.4 of the MERC (CGRF and Electricity Ombudsman) Regulations 2006.
- 2) The applicant who is an advocate by profession has submitted present grievance. According to applicant he and his mother and his wife purchased Municipal house no.44/73 constructed on CTS No.67/A, and 67/B situated at Bhangarwadi, Lonavala, Tal.Maval, Dist.Pune. It was purchased by

registered sale deed asset dated 20.1.2017. It is the case of applicant that there was one so called tenant namely Late Vishnu Laxman Raut. The electric meter connection was availed by him during his life time. The electric meter No. is 0100494559 and consumer no. is 181010071521. According to applicant said Vishnu alias Vishnupant Laxman Raut and his wife Hemlata are no more and they both died intestate leaving behind no any legal heir. It is the case of applicant that they both were not residing in the said house but they were resides in Municipal Housing Society, Lonavala till their demise. They were not residing in the said house. The said house was vacant from the year 2005 to 2017.

- 3) The applicant, his mother and wife jointly purchased said house on 20.1.2017 and they are in the possession of the said house. One third person namely Dinesh Jaywant Raut alias Ravi without the consent of earlier owners namely Madhukar Shankar Kumar and Sudhakar Shankar Kumar applied to MSEDCL for change of name on 28.7.2014. He submitted some documents to sub-division Lonavala. He applied for change of name dishonestly and fraudulently and got the name changed. He is not the legal heir of deceased Vishnu and Hemlata Raut. He is not in possession of the room in which said meter is installed. He has committed offence of cheating. He is criminal trespassers. The applicant has lodged Police complaint against him. The MSEDCL has no any right to change the name of the original consumer and meter cannot be transferred in the name of Dinesh Raut. He has not produce any succession certificate. The applicant is having one separate meter in his name in the said house. The applicant has applied for permanent disconnection of said meter in the name of deceased Vishnu Laxman Raut. MSEDCL has issued legal notice dated 30.10.2017 and called succession certificate but Dinesh Raut did not submit the same. The applicant thereby prays for permanent disconnection of the said meter. It is the case of applicant that said house is already in dilapidated condition and same may be collapsed at any time.

- 4) The applicant has initially preferred grievance before IGRC, PRC, Pune and IGRC held that legal heir documents were not produced by Mr.Dinesh Jaywant Raut while requesting for change of name. The legal heir certificate should be asked from him and if he is unable to submit the same, then revert back the change of name and action should be taken against him as per affidavit submitted by him.
- 5) The applicant therefore did not satisfy with the order of IGRC and submitted present grievance before this forum. The notice of grievance was issued to Ex.Engineer, Rajgurunagar Division, EE/CGRF/PZ/07 of 2018 on 3.2.2018. The reply of the respondent is submitted on 27.2.2018. It is submitted that applicant has filed an application for permanent disconnection of the said meter. The hearing took place before IGRC on 31.10.2017. The order was passed on 4.12.2017 and it was received on 21.2.2018. The notice was issued to Dinesh Jaywant Raut on 7.2.2018 for submitting legal heirship certificate of late Vishnu Raut. However there was no any reply and final notice dated 22.2.2018 was issued to him but he refused to accept the notice. Hence as per the order of IGRC his name is reverted to original consumer late Vishnu Laxman Raut on 27.2.2018. It is submitted that said connection cannot be permanently disconnected as per the claim of the applicant. The connection can be permanently disconnected for arrears after temporary disconnection or as per the request of consumer or as per the order of the court. The respondent thereby prays for dismissal of the grievance.
- 6) We have heard the applicant as well as representative of the respondent MSEDCL on 13.3.2018. We have perused documents on record and relevant provision of the Rules and Regulations of MSEDCL. The following points arise for our consideration and we have recorded our findings thereon for the reasons stated hereinafter.

POINTS	FINDINGS
i) Whether applicant is entitled for the reliefs prayed?	No
ii) What order ?	As per final order.

REASONS

7. The important point before us is whether the Applicant is the consumer within the meaning of Section 2(15) of the Electricity Act, 2003. The definition of "Consumer" reads as under –

"consumer" means any person who is supplied with the electricity for his own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public under this Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a licensee, the Government or such other person, as the case may be."

The record indicates that the Applicant has applied for change of name long back on 28th July, 2014 claiming himself as the nephew of the deceased consumer late Vishnu Laxman Raut. The record also indicates that name of the applicant was changed even though necessary documents were not produced by the applicant Dinesh Jaywant Raut. The IGRC has rightly come to the conclusion that Dinesh should be directed to produce legal heirship certificate of the deceased consumer late Vishnu Laxman Raut. It is also said that if he is unable to submit the same, then revert back the change of name to original consumer late Vishnu Laxman Raut. The record also discloses that MSEDCL has issued notices to the applicant, but he could not produce legal heirship certificate and so the name of the applicant is reverted back to the original consumer late Vishnu Laxman Raut.

8. It may be noted that the present applicant is not the consumer within the definition of "Consumer" and he is not entitled to prefer present grievance. The record indicates that he purchased the said house on 20/01/2017 and he became owner. Even though he is owner, he cannot be consumer of the said meter which stands in the name of late Vishnu Laxman Raut. There is nothing on record as to whether late Vishnu Laxman Raut is having any legal heirs. In our opinion, application for change in the name can be submitted only by the legal heirs of late Vishnu. In the case in hand, no such application from

the legal heir is submitted and so MSEDCL has rightly reverted back the change in the name, and at present the consumer is late Vishnu Laxman Raut. Under these circumstances, the applicant is not having the *locus standi* to prefer the present grievance as he is not consumer.

9. The record also indicates that Shri Dinesh Jaywant Raut has applied for change in the name on 28th July, 2014 and the cause of action arose on the same day. As per clause 6.6 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006, the grievance shall be submitted within the period of two years from the date on which the cause of action has arisen. In the case in hand, the grievance is submitted in the year 2018 and it is certainly out of the period of limitation. Moreover, present grievance is without any sufficient cause and it seems that the applicant is trying to disconnect the said connection illegally and merely to establish his possession of the room in which said meter is installed. Late Vishnu Laxman Raut may be tenant in the room wherein meter is installed. In our opinion, so long as electricity bills of the said meter are paid, the meter cannot be permanently disconnected. We are of the opinion that if any legal heir of late Vishnu comes forward with legal documents showing heirship, then only the name can be changed.
10. In view of the facts and circumstances discussed herein above, it is crystal clear that the applicant Shri Anant Tukaram Jadhav cannot be claimed to a party to the grievance / dispute and hence his prayer to the Forum for permanent disconnection of Consumer No. 181010071521 is liable for dismissal, and dismissed accordingly.

ORDER

a) **The grievance is dismissed**

b) **No orders as to cost.**

Sd/-

A.P.Joshi
Member
CGRF:PZ: PUNE

Sd/-

B.S.Savant
Member/Secretary
CGRF:PZ:PUNE

Sd/-

B.D.Gaikwad
Chairperson
CGRF:PZ:PUNE

Note :- The consumer if not satisfied may filed representation against this order before the Hon.' ble Ombudsman within 60 days from the date of this order at the following address.

Office of the Ombudsman,

Maharashtra Electricity Regulatory Commission,

606/608, Keshav Bldg.Bandra Kurla Complex, Bandra (E), Mumbai-51.