



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

**Case No.07/2016**

**Date of Grievance : 15.03.2016**

**Date of Order : 13.05.2016**

In the matter of removal of meter and disconnection of supply in respect of consumer No.170014066813 & change/correction of name & address in respect of Consumer No.1700665403231.

Smita Virendra Patil,  
19/2, Dnyanesh Society,  
Warjermalwadi,  
Pune - 411058.

**Complainant**  
(Herein after referred to as Consumer)

**Versus**

1) The Executive Engineer,  
M.S.E.D.C.L.,  
Kothrud Division,  
Pune.

**Respondents**

2) Apurva Arvind Godbole,  
19/2, Dnyanesh Society,  
Warjermalwadi,  
Pune - 411058.

**Quorum**

**Chairperson**  
**Member Secretary**  
**Member**

**Mr. S.N. Shelke**  
**Mr. D.H. Agrawal**  
**Mr.S.S.Pathak**

**Appearance**

**For Consumer**

**Smita Virendra Patil,**

**For Respondent**

**Mr.Padalkar, Ex. Engineer,**  
**Rastapeth Dn.**  
**Mr. D.N.Sali, Addl. Ex.Engr.**  
**Warje malwadi Sub/dn.**  
**Aparana Garud,**  
**Asstt.Accountant**

- 1) The Consumer has filed present Grievance application under regulation no. 6.4 of the MERC (CGRF & E.O.) Regulations 2006.
- 2) Being aggrieved and dissatisfied by the order dated 13th Jan..2016 passed by IGRC Ganeshkhid Urban Circle, Pune, thereby rejecting the grievance, the consumer above named prefers this grievance application on the following amongst other grounds.
- 3) The papers containing the above grievance were sent by the Forum to the Executive Engineer, M.S.E.D.C.L., Rastapeth Dn., Pune vide letter no. EE/CGRF/PZ/Notice/07 of 2016/57 dtd.16.03.2016. Accordingly the Distribution Licensee i.e. MSEDCL filed its reply on 30.03.2016.
- 4) We heard both sides at length and gone through the contentions of the consumer and reply of the respondents and the documents placed on record by the parties. On its basis following factual aspects were disclosed.
  - i) Consumer no.170665403231 connected on 13.6.1989 and presently standing in the name of Smita Virendra Patil in the category of LT-1 (Residential) .
  - ii) The present consumer Smita Patil & respondent no.2 Apurva Godbole are real sisters and married daughters of late Mr.Narayan Keshav Mahabaleshwarkar. According to the consumer the house property bearing S.No.137/1, 19/2, Dnyanesh Society, Warjemalwadi, Pune 411058 is absolutely owned and possessed by her. The Licensee (MSEDCL)allotted the meter and separate connection bearing no.17014066813 in the name of Apurva Godbole illegally and without the consent in absence of the consumer namely Smita. Therefore the consumer seeks relief of disconnection of supply of the said connection as well as removal of the meter. The consumer had filed another application dated 23.3.2015 for correction of the change in name & address in respect of consumer

no.170665403231 and claims SOP compensation for failure to make such change.

- iii) Consumer connection no.170014066813 vide meter bearing no. 03589462 is standing in the name of Apurva Arvind Godbole in the tariff category LT-1 (residential) connected on 21.03.2015.
- iv) The said Apurva Godbole has filed civil Suit bearing no.1118/2013 in the court of Civil Court Jr.Division Pune. against Smita Virendra Patil & other for perpetual injunction
- v) In the above mentioned suit the plaintiff namely Apurva had filed application Ex.5 for ad interim injunction restraining the defendants from dispossessing the planit from the suit House property.
- vi) The court of civil judge (Jr. div) rejected application. Ex.5 vide impugned order dated 17.8.2013
- vii) Being aggrieved and dissatisfied, the plaintiff above named preferred appeal against the impugned order in the court of district judge Pune bearing misc. civil appeal no.323/2013.
- viii) The district court, Pune dismissed the above mentioned appeal in default vide order dated 28.10.2015.
- ix) The above named consumer, Smita Patil submitted grievance before IGRC for removal of electric meter and disconnection of supply in respect of consumer no.170014066813 and claiming of SOP Compensation for failure to correct/change name & address within prescribed period on 27.11.2015.
- x) The IGRC rejected the grievance of the consumer vide impugned order dated 13<sup>th</sup> Jan.2016.
- xi) The respondent no.2 added as party to the said grievance vide order dated 6.4.2016.
- xii) The above named respondent no.2 filed another suit for declaration, partition etc. against the present consumer bearing

special Civil Suit No.616/2016 in the court of civil judge, S.D. in respect of the tenement No.19/2, Dnyanesh Society, Warjermalwadi, Pune and also submitted application Ex. -5 seeking temporary injunction restraining Mrs.Smita Virendra Patil or MSEB Dept. through her from disconnecting the electricity connection vide consumer no. 170014066813.

- xiii) The court of civil judge Sr. Division granted ad interim injunction vide order below Ex.-5 on 30.4.2016 against the present consumer that she or on her behalf should not create third party interest in the suit property and that also restrained from parting possession of the first floor or any parting of the suit property and restrained from disconnecting supply of the ground floor of the suit property of the plaintiff or through MSEB department till hearing of the Ex.5.
- 5) Consumer namely Mrs. Smita Patil submitted that she is owner and in possession of the disputed house property at S.No.137/1, 19/2, Dnyanesh Socy. Warjermalwadi, Pune on the basis of gift deed executed by her father in her favour during his life time. The said house property is entered in her name in the record of rights. The MSEDCL unauthorizedly without her consent and in her absence allotted electric meter and connection to Mrs. Apurva Arvind Godbole, vide consumer no. 170014066813 she further submits that the civil suit bearing no. 1118/2013 is pending between her and the said Apurva Godbole. The Civil Court did not grant any injunction in favour of the said Apurva Godbole. Application for interim injunction was rejected by civil court as well as District Court in appeal. The court did not pass any order for releasing electric supply in favour of Apurva Godbole. However, she suppressing the said fact and joining hands with MSEDCL Officers obtained electric connection in her name illegally. Therefore the said electric meter installed by the MSEDCL be removed and the said supply be disconnected.

- 6) Mrs.Smita Patil further submitted that she has given application to respondent no.1 for correcting her name & address on 23.3.2015. But the respondent no. 1 did not take any action within stipulated period. Therefore she claims SOP compensation as per law against the respondent no.1.
- 7) On the other hand Mr.D.N.Sali, Addl.Ex.Engr.submitted on behalf of respondent no.1 that civil litigation is pending between the present consumer Mrs.Smita Patil & her sister Mrs.Apurva Godbole, in respect of the house owned by their father namely Narayan Mahableshwarkar bearing civil suit no.1118/2013 filed on 20.6.2013. The civil court rejected the application filed by Apurva Godbole for temporary injunction. Therefore she preferred appeal bearing Misc.Appeal no. 323/2013 in the district court, Pune. Thereafter Mrs. Apurva Godbole has submitted application for releasing supply to MSEDCL. The said application was forwarded to legal adviser for legal opinion. They received legal opinion vide letter no. SE/GKUC/legal cell/no./65 dtd.6.1.2015 wherein the opinion was given for not releasing of electric supply as the case was pending in the court. Thereafter Mrs. Apurva Godbole submitted another application for electric connection alongwith court papers and also submitted an affidavit stating that whatever decision will be given by the court will be acceptable to her. Thereafter these papers were submitted to legal advisor for opinion. Accordingly they received legal opinion vide letter no. SE/GKUC/legal cell/no. 1048 dtd.13.3.2015 that new connection should be given to Mrs. Godbole after having taken notarized undertaking on non judicial stamp of Rs.200/- that in case civil court decrees the suit in favour of Mrs.Smita Patil, supply be disconnected. Accordingly new connection was given to Mrs.Apurva Godbole. Thereafter the consumer Mrs.Smita Patil raised an objection for releasing of connection in favour of Mrs.Apurva Godbole. Thereafter notice was sent to Mrs.Apurva Godbole for submitting of the court order to continue

the electric supply given to her. To the said notice Mrs. Apruva Godbole replied that as the case is still pending no such order can be produced. The legal department gave opinion to continue to supply given to Apruva Gobole till the final decision of the court.

- 8) Mr.D.N.Sali further submitted that the consumer Mrs.Smita Patil had given application for correction in the name and address on her electricity bills records. However, the said case does not come under," Change of name" category and therefore question of SOP compensation does not arise. He further submitted that the correction in the name & address of the said consumer was done in the month of Aug.2015.
- 9) Respondent no.2 Mrs.Apurva Godbole submitted that she filed special civil suit no.616/2016 for declaration partition etc. in the court of CJSD in respect of house no. 19/2, Dnyanesh Socy., Warjemalwadi, Pune. In the said suit she moved application (Ex.5) for temporary injunction restraining the consumer Mrs.Smita Patil or through her MSEDCL from disconnecting the electricity connection on ground floor of the suit house and the Hon'ble court was plead to grant an ex parte ad interim injunction against the dependent or through anyone on her behalf from disconnecting electric supply on the ground floor of the suit property till hearing of Ex.5. Therefore she submitted that the grievance may be rejected. Respondent no.2 produced her advocate's letter, copy of plaint and application Ex.-5 in spl.Civil Suit No.616/2016.
- 10) Following points arise for our determination. We give our findings thereon for the reasons stated below.

Points	Findings
I) Whether the consumer is entitled to get disconnection of supply in respect of consumer no. 170014066813 and removal of metering equipment vide no.03589462 installed at the said premises in the name of respondent	No.

no.2 ?

- II) Whether the consumer is entitled to get SOP Compensation for failure of Licensee (Resp.no.1)for changing/correcting name & address of the consumer within stipulated time? Yes.
- III) What order? As per final order.

### REASONS

As to point no. I

Admittedly, the consumer Smita and Respondent no.2 Apurva are real sisters and married daughters of late Narayan Mahabaleshwarkar. Civil litigation pending between them in respect of the house property tenement no.19/2, Dhyanesh Socy., Warjermalwadi, Pune, hereinafter referred to as the "disputed property". According to the consumer her father late Narayan during his life time gifted the said disputed property to her by registered gift deed. Thereafter her name was mutated in the record of rights of the said property. Therefore she is absolute owner and in possession of the disputed property. The respondent no.2 filed suit for perpetual injunction against her in the court of civil judge J.D. bearing no.1118/2013. In the said suit the respondent no.2 had moved application for temporary injunction against the present consumer. But it was rejected and appeal filed against the impugned order bearing misc. civil appeal no.323/2013 was also dismissed in default. During the pendency of above mentioned suit and appeal the respondent no.2 had applied to respondent no.1 (MSEDCL) for releasing of new connection in her favour. The respondent no.1 after having legal opinion dated 6.1.2015 decided not to release electrical connection as the case was pending in the court. Thereafter the respondent no.2 again submitted an application for releasing of new connection alongwith court papers and submitting an affidavit stating that she will be abide by the decision of the court.

Thereafter the respondent no.1 after having obtained notarized undertaking on non judicial stamp paper of Rs.200/- that in case civil court decrees the suit in favour of Mrs.Smita Patil, supply will be disconnected. Accordingly new connection vide consumer no.170014066813 has been released in favour of respondent no.2.

12. The consumer Smita Patil had filed grievance before IGRC, GKUC for removal of electric meter and disconnection of supply in respect of consumer no. 170014066813. The IGRC rejected the same application vide impugned order dated 13<sup>th</sup> Jan.2016 stating that civil suit bearing no.1118/2013 is pending between the parties and therefore the grievance cannot be entertained vide regulation no. 6.7 (d) of MERC (CGRF & E.O.) Regulations, 2006.

13. During the course of hearing before the forum it was brought to our notice by the respondent no.2 that she filed special civil suit bearing no. 616/2016 in the court of civil judge sr. division, Pune against the present consumer Mrs.Smita Patil for declaration, partition etc. in respect of the disputed property and also filed application Ex.5 for seeking ad interim injunction restraining the consumer Mrs. Smita Patil from disconnecting the electricity connection in the disputed property (on the ground floor ) either herself or through MSEDCL. The respondent no.2 vide advocate's notice dated 2.5.2016 through her advocate informed the office of CGRF about pendency of the above mentioned suit and passing of ad interim injunction order and also submitted copy of the plaint & as well as copy of application Ex.5. It is seen that the court of civil judge (SD) granted ad interim injunction in favour of respondent no.2 and against the present consumer restraining the consumer from disconnecting the supply of the ground floor of the disputed property through MSEB department till hearing of the Ex.5.

14. Regulation no. 6.7 of MERC (CGRF & E.O.) Regulations, 2006 provides that the forum shall not entertain a grievance under certain circumstances. Clause (d) of Regulation No.6.7 reads as under:-



*(d) 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.*

15. Therefore since the civil dispute is pending between the consumer and respondent no.2 and the civil court has granted ad interim injunction in favour of the respondent no.2 and against the present consumer restraining the consumer from disconnecting the electricity supply of the ground floor of the disputed property through MSEB dept., the grievance in this respect cannot be entertained at this stage. Hence we answer point no. I above in the negative.

16. As to point no. II

It is the case of the consumer that she had applied to the respondent no.1 on 23.3.2015 for correction of her name and address as appearing on electricity bills. But the respondent no.1 failed to correct/change name & address within stipulated period. Therefore the consumer claims SOP compensation against the respondent no.1. On the other hand, it is the contention of the respondent no.1 that the said case does not come under, "change of name" category of SOP Regulations and therefore question of giving compensation does not arise and moreover they have made the necessary changes in the billing register of the consumer from August-2015. It is seen from the record that name of consumer was wrongly typed in the billing record as "**Smita Vrenda Patil**" instead of **Smita Virendra Patil**. Similarly her address is mentioned as, "**S.No.137/1, F.No.19/2, Warjermalwadi, Dhyanesh Socy., Pune-29**" instead of **S.No.137/1, Fl.No. 19/2, Dhyanesh Socy., Warjermalwadi, Pune- 411058**. Therefore it is clear that the respondent no.1 not only incorrectly recorded her name but also the address. If her name and address read together, it indicates different person than the consumer and does not get identity of the said consumer. Therefore such type of change of name & address in the C.P.L. amounts to "change in name" as contemplated under MERC (Standards of Performance of Distribution

Licensees, period for giving supply and determination of compensation) Regulations, 2014. Regulation no.4.13 reads as under.

*Change of name and change of tariff category:*

*4.13 The Distribution Licensee shall intimate the charges to be borne by an applicant for change of name and change of tariff category within (7) days of receipt of an application in this regard and shall give effect to it within the following time limits:-*

*(a) Change of name shall be effected within the second billing cycle on receipt of an application and payment of necessary charges.*

*(b) -----*

17. Level of compensation as per MERC, SOP Regulations, 2014 payable to consumer for failure to meet standards of performance in respect of other services, "change of name" as per entry no.8 Sub Clause (ii) of Appendix A, time runs from the date of application and standard of performance for such is within second billing cycle and compensation provided for such failure is Rs.100/- per week or part thereof of delay. Therefore the respondent no.1 should have been made necessary change in name & address of the applicant within the second billing cycle. The applicant had given application for the above mentioned change on 23.3.2015. Therefore the necessary change should have been made in the billing month of April-2015. But the respondent no.1 made said change in the billing month of Aug.-2015. The delay caused for four months. Therefore SOP calculates to 16 weeks x Rs.100/- = 1600/- . The respondent no.1 is liable to pay said compensation to the consumer as per above mentioned regulations. Hence we answer point no. II in the affirmative. The Licensee may recover above mentioned compensation from the erring employees.

Lastly we proceed to pass following order:-

ORDER

1. Grievance application of the consumer is partly allowed with cost.

2. The Licensee to pay SOP compensation of Rs.1600/- to the consumer of failure to meet standards of performance in respect of change of name and address of the consumer.
3. Grievance of the consumer in respect of removal of meter and disconnection of supply in respect of consumer no.170014066813 stands rejected.
4. The licensee to report compliance to this forum within one month from the date of receipt of this order.

Delivered on: - 13.05.2016

Sd/-  
**S.S.PATHAK**  
Member  
CGRF:PZ:PUNE

Sd/-  
**D.H.Agrawal**  
Member/Secretary  
CGRF:PZ:PUNE

Sd/-  
**S.N.Shelke**  
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.