

**Maharashtra State Electricity Distribution Co. Ltd.'s  
Consumer Grievance Redresses Forum  
Nagpur Zone, Nagpur**

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**Case No. CGRF(NZ)/96/2018**

Applicant : Shri Syed Khaleeq Ahmed,  
Mount Road, Civil Lines,  
C/o. Flat No. 301, Sadoday Laxmi Apt.,  
Opp. Durga Mata Mandir,51  
New Colony, Nagpur-440001.

Non-applicant : Nodal Officer,  
The Superintending Engineer  
(D/F), NUC, MSEDCL,  
Nagpur.

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Applicant represented by : In Person.

Non-applicant represented by: 1) Shri V.R. Sonkusle, Ex.Engr,  
2) Shri Dahasahastra, SNDL, Nagpur

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Quorum Present : 1) Shri Arvind Jayram Rohee,  
Chairperson.  
2) Mrs. V.N.Parihar,  
Member Secretary  
3) Mrs. Asmita Avinash Prabhune,  
Member(CPO)

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**ORDER PASSED ON 11.09.2018**

1) The applicant approached this Forum under Regulation 6.4 of Maharashtra Electricity Regulatory Commission (Consumer grievance redressal forum and Ombudsman) Regulation 2006 for redressal of this grievance regarding transfer of electric connection in his name.

2) Initially the applicant approached Commercial Manager SNDL and thereafter IGRC (Internal Greivence Redressal Cell) for

Redressal of his grievance of transfer of the existing electric connection with consumer No. 410010518541 in his name from the existing holder Shri Syed Athar Samed. According to applicant the premises on which the electric meter is installed had been gifted to him by the said owner. It is also his contention that presently he is not in occupation of the said premises, since it is trespassed by relatives of previous owner.

3) By the reply dt. 01.09.2018 the claim is denied on the ground of non occupation of premises by the applicant and since the previous owner being dead, his consent no objection could not be obtained as required under Regulation 10.3 of MERC (Supply code) Regulations 2005.

4) IGRC vide its order dated 30.03.2018 accepted the above contentions of Non applicant and rejected the request, which is challenged in this grievance application before this forum.

5) On 05.09.2018 we have heard the applicant and the representatives of Non applicant. We have carefully perused the case record.

6) It is obvious that the electric meter stands in the name of the said deceased Syad Ather Samad at 5, Red Cross Road, Plot No.31, Civil Lines, Sadar, Nagpur. The record shows that on his death the said property was devolved on his two daughters viz. Miss. Firoja and Miss. Rafaya as per entry in Akhiv Patrika issued by City Serve Office, Nagpur. Their name are also recorded with

Nagpur Municipal Corporation, but only for the purposes of levy and collection of property tax, keeping to ownership issue alive.

7) It appears that the applicant got the said premises from the two daughters of deceased Syed Athar Samad and not from the deceased as alleged by him under Notarized Memorandum/Declaration of Gift (Hiba) dated 29.06.2018. As per rules for transfer of electric connection the previous holders no objection is required and if it could not be obtained then the transfer of property should be shown to have been effected under a registered deed. Obviously Memorandum/Declaration of Gift relied upon by the applicant is not registered before sub-Registrar of region as required under the provisions of the Transfer of Property Act. According to applicant he is governed by Muslims Personal Law, under which gift of immovable property need not necessarily be under a registered document. However, this aspect involving transfer of ownership can be considered by the competent Civil Court only and this forum will be exceeding its Jurisdiction to enter into the said field. The applicant may establish his title in Civil Court.

8) Further admittedly the applicant is not in actual physical occupation of the premises in question. For this reason also, so long as he is not placed in possession of the said premises, there is no question of transfer of electric meter in his name. It is needless to say that the applicant will be at liberty to take appropriate legal

action against the trespassers, for their eviction from the premises in question. At present no relief can be granted to him.

9) In the result, it cannot be said that the order passed by IGRC needs any interference by this Forum. The grievance application, therefore, stands rejected, however with no order as to costs of this proceeding.

Sd/-  
**(Mrs. Asmita A. Prabhune)**  
MEMBER(CPO)

Sd/-  
**(Mrs. V.N.Parihar)**  
MEMBER SECRETARY

Sd/-  
**(Arvind J. Rohee)**  
CHAIRPERSON

Nagpur

Dt. 11.09.2018