



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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NO. K/N/157/1864 of 2018-19

Date of registration : 24/07/2019

Date of order : 28/08/2019

Total days : 35

IN THE MATTER OF GRIEVANCE NO. K/N/157/1864 OF 2018-19 OF MRS. NEELAM C.SINGH RAJKUMAR, 402, LAXMI CHHAYA C.H.S.LTD., BUILDING NO.A-06, BLOSSOM COMPLEX, SHIRDI NAGAR, ACHOLE, NALASOPARA (E), TAL. VASAI, DIST. PALGHAR, PIN CODE-401209. REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT NEW CONNECTION.

Mrs. Neelam C.Singh Rajkumar,
402, Laxmi Chhaya C.H.S.Ltd.,
Building No.A-06, Blossom Complex,
Shirdi Nagar, Achole, Nalasopara (E),
al. Vasai, Dist. Palghar,
Pin Code-401209

. . . (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution
Company Limited
Throughit's Nodal Officer/Addl.EE.
Vasai Circle, Vasai

. . . (Hereinafter referred as Licensee)

Mr.Ramji ParasnathTripathi (Consumer on record)
402, Laxmi Apartment,
Blossom Complex, Achole Road,
Nalasopara (E), Pin Code - 401 209

Appearance : For Licensee - Shri.Prakash K.Akhade, Jr.Engineer.

For Consumer - Shri.C.P.Singh and Shri.Ramji Tripathi (C.R.)

[Coram- Shri A.M.Garde-Chairperson, Shri A.P.Deshmukh-Member Secretary
Mrs.S.A.Jamdar- Member (CPO)].

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 Redressed 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. [Electricity Supply Code and other conditions of supply Regulations 2005]. 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.

2) This grievance was filed by one Mrs. Neelam C.Singh Rajkumar stating that on 27/10/2017 she applied for new connection for her premises at 402, Laxmi Chhaya C.H.S.Ltd., Building No.A-06, Blossom Complex, Shirdi Nagar, Achole, Nalasopara (E), al. Vasai, Dist. Palghar, Pin Code-401209. On 17/01/2018 Asst.Engineer , Achole 2 Mr. Rane issued a letter for verification of documents. Consumer replied to it on 20/01/2018 with the documents. Addl.Executive Engineer, Achole rejected the application on 25/10/2018 stating that the property is under dispute. Consumer alleges that new connection has not been given and prayed for the same with compensation.

3) Distribution Licensee replied stating that on the said property there is one connection in the name of one Mr. Ramji P.Tripathi bearing no. 001900985980. As such the matter was referred to legal officer for opinion and as per the opinion the application was rejected.

4) We had heard the matter and by our order dated 24/04/2019 granted the application directing MSEDCL to grant connection to the applicant Mrs. Neelam C.Singh Rajkumar and if required change of name may be effected.

5) One Mr. Ramji P.Tripathi moved the Hon'ble Ombudsman challenging the Forum's order and Hon'ble Ombudsman by order dated 19/07/2019 remanded the matter to this Forum for denovo hearing.

6) Upon receipt of order of Hon'ble Ombudsman on 22/07/2019 notices were issued to MSEDCL, applicant Mrs. Neelam C.Singh Rajkumar and Mr. Ramji P.Tripathi and the matter was fixed on 14/08/2019. The parties were asked to file their written statements if any. Accordingly Mr. Ramji P.Tripathi filed his written statement on the same day. He argued the matter. Then 21/08/2019 applicant filed her statement. MSEDCL already filed their statement on 07/08/2019. Arguments were concluded on 21/08/2014.

7) Now it is clear from MSEDCL reply that initially the connection was taken in the name of Mr. Ramji P.Tripathi on 02/11/2004. Thereafter on 25/09/2009 Mrs. Neelam C.Singh Rajkumar applied for change of name and produced i) Agreement for sale dated 24/04/2008, franking receipt no.78541 and authority provision and NOC were produced. Accordingly name of Mrs. Neelam C.Singh Rajkumar was recorded in place of Mr. Ramji P.Tripathi in March 2010. Thus on

the basis of Registered documents of title and other required documents, Mrs. Neelam C.Singh Rajkumar name was entered in place of Mr. Ramji P.Tripathi. During arguments Mr. Ramji P.Tripathi admits that Mrs. Neelam C.Singh Rajkumar has been in possession of the said premises since 2006 till today and there are several documents in that regard. There is an order of Registrar of Co. op. society declaring Neelam Singh as owner/ Member of the Laxmi Chhaya C.H.S.

8) Above being the state of things Mr. Ramji P.Tripathi has been relying on a FIR filed and investigation made by the police and also the observations made by the police officers during investigations. His basic contention is that the documents of title of Mrs. Neelam C.Singh Rajkumar are fake. Several documents were shown in us during arguments and Mr. Ramji P.Tripathi tried to explain how the documents are fake or fraudulent etc. both the parties rallied before the forum to show the other one is fraudster etc. A lot of time was consumed in that, though all those things were totally irrelevant until Mr. Ramji P.Tripathi filed a Civil Court in a Court of Law challenging the registered document and power of Attorney which he claims to be fake or fraudulent. Merely filing F.I.R. will not suffice.

A Criminal Court can only convict a person. Only a Civil Court can declare a registered document to be fraudulent or fake. No such suit is filed in Civil Court.

9) Apart from all above allegation of fraud and fake documents etc. Mrs. Neelam Singh has possessory title being in possession of the premises since 2004. Mr. Ramji P.Tripathi can evict him only through Court of law. That being so even merely on the basis of possessory title she is entitled for electrical supply in her name until Mr. Ramji P.Tripathi gets back possession of the same from her through court of Law.

10) In the above view of the matter it is needless to refer to all irrelevant record produced before us and irrelevant arguments advanced regarding fake documents etc. This is not the appropriate forum for the same. Applicant Mrs. Neelam C.Singh is entitled to the electric connection in her name for the said premises till Mr. Ramji P.Tripathi gets the documents of Mrs. Neelam C.Singh declared fake by civil court and recovers possession of the said premises for Mrs. Neelam C.Singh through court of Law.

Hence the Order

ORDER

- 1) The Grievance application of consumer is allowed.
- 2) MSEDCL to grant supply connection to Mrs. Neelam C.Singh To The Premises 402, Laxmi Chhaya C.H.S.Ltd., Building No.A-06, Blossom Complex, Shirdi Nagar, Achole, Nalasopara (E), Tal. Vasai, Dist. Palghar, Pin Code-401209 forth with.
- 3) In case there is already a connection existing in the said premises it be transferred in the name of Mrs. Neelam C.Singh forth with.

- 4) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 28/08/2019

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

(A.P.Deshmukh)
Member Secretary
CGRF, Kalyan

(A.M.Garde)
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
- 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.