

**Maharashtra State Electricity Distribution Co. Ltd.'s
Consumer Grievances Redressal Forum
Nagpur Zone, Nagpur**

Case No. CGRF(NZ)/78/2019

Applicant : Shri Karansingh Yashwantsingh Rajput,
Plot No.184 A/1, Lala's Garden,
Khalasi Line, Nagpur-440001.

V/s

Non-applicant : Nodal Officer,
The Executive Engineer,
Civil Lines Division, M.S.E.D.C.L.,
Nagpur.

Applicant represented by : Shri Sunil Jacob
Non-applicant represented by: 1) Shri R.K. Ghatode, Exe.Engr.,
MSEDCL, Civil Lines Dn.Nagpur

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

ORDER PASSED ON 27.11.2019

1. The Applicant through his representative Shri Sunil Jacob approached this Forum under Para 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006, since aggrieved by the order dated 30.07.2019 passed by IGRC, SNDL, Nagpur, in Case No.0541/2019 filed by him by which the prayer for grant of new electric connection on the second floor of the building is rejected.

2. The applicant resides on the address given in the application in a multi storeyed building, with his parents and other family members. It is undisputed that one live electric connection exists in the name of applicant's mother in the said premises, where second connection in the name of applicant is sought. It is stated that the previous application filed by the applicant's father Shri Yashwantsingh for grant of new electric connection on same premises is rejected by IGRC by order dated 18.06.2019 in case No.490/2019 on the ground of existence of one live electric connection on the same premises in the name of applicant's mother. During pendency of proceeding before IGRC filed by the present applicant the Grievance Application filed by his father Shri Yashwantsingh was pending before this forum. However, subsequently this forum rejected the said application on the same ground that there is one live electric connection in the name of applicant's mother.

3. The IGRC order reveals that the application is not entertained nor decided on merit on the ground that the application filed by his father Shri Yashwantsingh is still pending before the forum. As such there is no decision on merit. After dismissal of said application the present grievance petition is filed.

4. The Non-applicant by reply dated 05.11.2019 denied the claim on the ground that Hon'ble Ombudsman vide order dated 03.10.2019 on representation by the applicant's father Shri Yashwantsingh, against order of this forum, rejected the request with the observations that the Non-applicant may insist appropriate

documentation from the applicant which will enable it to release new connection and simultaneously to indemnify the Non-applicant in the event of facility being misused. It is stated that while submitting application for grant of new connection, the applicant has not provided a legal & valid proof of partition of property, thereby allotting specific share to him in the premises in question. Since one live connection bearing Consumer No.410013383689 already exist in the name of applicant's mother Smt. Urmila Yashwantsingh Rajput on the same premises, no relief can be granted to the applicant vide MERC's Supply Code Regulations 2005, which provides that there could not be 2 meters in the same premises for the same purpose.

5. On 13.11.2019, Forum heard arguments of applicant's representative and that of Shri Ghatode, Executive Engineer, Civil Lines Division, MSEDCL, Nagpur on 13.11.2019. We have carefully perused the entire case record.

6. During the course of hearing the applicant's representative produced photocopy of partition deed dated 10.09.2019 on a general stamp paper of Rs.100/- executed between him, his mother Smt Urmila yashwantsingh Rajput and sister Smt. Poornima Lakhan Bhurewar through her father Shri Yashwantsingh. On its basis it is stated that although there exists one live connection in name of his mother and now since the premises are divided by partition, second connection can be granted without any bar.

7. The question for consideration is whether there is sufficient compliance of the provisions of MERC Supply Code Regulations of 2005 for grant of separate electric connection on partition of property where one meter already exists?

8. We record our finding in the negative for the following reasons.

REASONS

9) It is obvious that as per rules there can be only one meter for one premises although it is multi storeys owned by some person. The multiple storeys building thus can be divided by effecting partition between its occupants or the legal heir of the original owner to get separate electric meter. However, such partition must be effected through a legal and valid document. Previously even oral partition of immovable property between members of a joint family, if reduced in the form of a writing was permissible and treated as lawful, specifying separate shares in the said property. It need not even be by a registered document. Subsequently there is change by way of amendment in the Registration Act by which partition of immovable property is required to be effected by way of a registered document i.e. Partition Deed needs to be executed before the concerned Sub Registrar of Taluka, within whose jurisdiction the property is situated. In this case partition deed is executed before Notary on a general stamp paper of Rs.100/-. It is thus notarized. However, it can't be said to be lawful deed of partition since it is not registered before

Sub Registrar. It is still open for the applicant to execute legal and valid partition deed before Sub Registrar, specifying his share in house property and then only he can apply for getting new electric connection. This is so because while residing jointly i.e. without effecting partition and second electric connection is sought, it is mainly with a view to get slab benefit. This cannot be allowed to be done under law. However, if property is divided into separate shares under registered deed of partitions, then there will be no difficulty in granting new electric meter for the said premises, which will be treated as separate property of its lawful occupant.

10. From the above discussion, it is obvious that applicant and his father made efforts to get new electric meter on 1st & 2nd floor of the house without effecting legal and valid partition under registered document. So long as the same is not done, there is no question of granting new electric connection in the name of the applicant in the same premises.

11. In the result, we do not find any merit in the present grievance application. The same is accordingly dismissed. However, with liberty to the applicant, as stated in the preceding para.

12. It is made clear that in future if he or his father or any other member of family produces a valid and legal proof of the partition of house property under registered deed specifying the share

and then apply for grant of new electric connection, the Non-applicant shall favourably consider the same as per rules.

12. The parties are directed to bear their respective costs of this Grievance Petition.

13. Office to issue authenticate copy of this order to both the parties at the earliest for taking appropriate steps in the matter.

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

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

Sd/-
(Arvind J. Rohee)
CHAIRPERSON