

**BEFORE THE FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
ADANI ELECTRICITY MUMBAI LIMITED (AEML)**

Devidas Lane, Off. S.V.Road, Near Devidas Lane Telephone Exchange, Borivali (West), Mumbai – 400103.
E-mail : Consumerforum.Mumbaielectricity@adani.com
Website : www.cgrf.adanielectricity.com / www.adanielectricity.com
Tel.No.:022-50745004

Ref No: Track00013/19082022

25th August'2022

Mr.Santosh Dhani Singh,
Ex 77 11 16, Kumar Devi Sharma Chawl,,
Shastri Nagar, Church Road, Kalina,
Santacruz (East), Mumbai- 400029

Phone No.: 9892469691
Email: sdsingh1977@gmail.com

Dear Sir,

**Sub : Grievance Case No. Track00013/19082022- Santosh Dhani Singh
Order (for deciding admissibility of grievance in Consumer Grievance Redressal Forum) dated
23rd August'2022.**

Please find enclosed herewith the certified copy of the **Order [for deciding admissibility of grievance in Consumer Grievance Redressal Forum (CGRF)]** dtd. 23/08/2022 of the Grievance Case No. Track00013/19082022- Santosh Dhani Singh

As per MERC (CGRF & EO) Regulations, 2020-

- Clause 19.1: Any Complainant, who is aggrieved by the non-redressal of his grievance by Forum, may either directly or through his authorized representative make a representation for redressal of his grievance to the Electricity Ombudsman within sixty (60) days from the date of the Order of the Forum. Provided that the Electricity Ombudsman may entertain the representation after the expiry of the said period of sixty (60) days if he/she is satisfied that there was a sufficient cause for not filing it within the said period.
- Clause 19.3: The representation may be submitted either in person or through post, email or fax or on the web-based portal of the Electricity Ombudsman.

The address & contacts of the Office of the Electricity Ombudsman are as below:

Electricity Ombudsman office address:

606, Keshva Building, 6th Floor, Bandra Kurla Complex,(BKC), Bandra (East), Mumbai – 400 051,
Maharashtra State

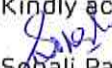
Website : mercombudsman.org.in

Email ID : electricityombudsmanmumbai@gmail.com

Phone no : 022 49691092

This is for your information & record.

Kindly acknowledge the Receipt.


Sonali Parulekar
Secretary (CGRF – AEML)
Encl : As above.

FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES

Adani Electricity Mumbai Limited (AEML)

Devidas Lane, Off. S.V. Road, Near Devidas Lane Telephone Exchange,
Borivali (West), MUMBAI 400 103.

Website: www.cgrf.adanielectricity.com / www.adanielectricity.com

Email: consumerforum.mumbaielectricity@adani.com

Phone: 022-50745004

Grievance No :- Track00013/19082022

Grievance filing Date: 19/08/2022

Complainant/Applicant: Mr.Santosh Dhani Singh.

Address of Complainant: Ex 77 11 16, Kumar Devi Sharma Chl., Shastri Nagar, Church
Road, Kalina, Santacruz East, Mumbai 400029.

Grievance pertaining to:

Change of name without consent

Prayer of the Complainant: Complainant wants to transfer bill name to change back in
'Santosh Dhani Singh' name.

C.A. No provided by Complainant:

150364426

Order for deciding grievance admissibility in Forum

Date of Order: 23/08/2022

Coram:

1. Ms. Sharmila Ranade, Member (Independent-CPO), CGRF
2. Mr. Ashish Khedkar, Vice President (Adani Electricity Mumbai Ltd.) – Member, CGRF

On behalf of Adani Electricity Mumbai Ltd.(AEML)

None (Not called for)

On behalf of Applicant / Complainant

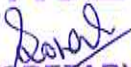
Mr.Santosh Dhani Singh (Applicant / Complainant – Self)

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Santosh
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OF CONSUMER GRIEVANCES
Adani Electricity 'AEML

1. The Applicant/Complainant Mr.Santosh Dhani Singh submitted the Schedule A Form and documents online as well as through e-mail to put forth his grievance before this Forum.
2. Looking to the prayers, sought by Applicant/Complainant, this hearing is scheduled to decide the admissibility of the grievance before the Forum and that necessitates to go into the brief history of the grievance submitted by the Applicant/Complainant to the Forum by filling Schedule A Form. The grievance is submitted online on 19/08/2022 bearing number TRACK00013/19082022.
3. We heard the Applicant/Complainant at length in meeting scheduled on 20/08/2022 at Forum Office, Mumbai. We have also gone through the grievance, prayers made therein, and also the documents produced by the Applicant/Complainant.
4. According to the Applicant/Complainant, he was in possession of the room having address HEX 77-11-16, Kumar Devi Sharma Chawl, Shastri Nagar, Church Road, Kalina, Mumbai.
5. It is contended by the Applicant/Complainant that, his father late Dhani Singh, executed a Declaration of Will on 19/07/2016 through which the aforesaid property is distributed equally between him and his brother. Accordingly, electricity account no. 150364426 was transferred in the name of the Applicant/Complainant.
6. It is further contended by the Applicant/Complainant that during dreadful pandemic situation of Covid19, he went to his native village and till then he was getting power supply through C.A. No.150364426. But there was a forceful entry in applicant's premises by his family members (Mother & Brother) in his absence. Applicant/Complainant also submitted that the said room was sold to some Rafiq Ahmed by his Mother Sushila Dhani Singh without his knowledge.
7. During the course of the hearing, before admission of the grievance, Applicant/Complainant submitted that he has approached Bandra Magistrate Court

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regarding the above referred family dispute in respect of the aforesaid property and the matter is under judicial consideration.

8. The Applicant/Complainant, during the course of argument, submitted that part a of the premises is occupied by his family members, and he is not staying in the premises.
9. The Applicant/Complainant submitted that he filed an application under RTI with Vakola police station with regard to the forged and illegal documents submitted for change of name on Ration Card and electricity meter by Susheela Dhani Singh (mother) & Subodh Dhani Singh (brother) who are occupying some part of room premises bearing Room No.HEX 27-11-16 Ramkuwar Devi Sharma Chawl, R.No.2/9 Shastri Nagar, Kalina, Santacruz, Mumbai.
10. The Applicant/Complainant also produced on record the electricity bill payment history from year 2021, Bharat Gas Bill dated 21/04/1999 in his name having address 'Sharma Punjabi Chawl No.2,Room No.7, Shastri Nagar, Kalina.', old ration card copy consisting his name alongwith other members of family.
11. The Applicant/Complainant produced letter from Adani Electricity Mumbai Ltd, stating therein that the change of name of the premises has been done on the strength of documents received by them which were verified and found to be proper for effecting change of name. The said letter also contains the message that '*the name on electricity bill does not confer any title to the property or premises and if you have any dispute regarding the title of the property you may settle the same by taking appropriate steps.*'
12. The Applicant/Complainant prayed that the Respondent / Utility be directed to restore the connection in the Applicant/Complainant's name as he does not consent to change in electricity meter account in any other name.

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Analysis & Reasons

13. The Applicant/Complainant agreed that he does not stay in the disputed premises and one part of the premises is currently occupied by his mother, Susheela Dhani Singh & brother, Subodh Dhani Singh and other part of the premises is sold out by his mother to some Rafiq Ahmed.
14. The said room (premises) seems to be allotted to the Applicant/Complainant and his brother equally through the will made by his deceased father.
15. The Forum heard the Applicant/Complainant at length and perused the documents submitted. It is observed by the Forum that the premises in dispute is sold by complainant's mother to the third party named Rafiq Ahmed and Applicant/Complainant submitted that the matter regarding the disputed premises is currently sub-judice. The issue of objection in change of name is raised for the meter connected to the same premises which is presently under judicial consideration in the appropriate court of law.
16. Regulation 12 of the Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality), Regulations, 2021 inter alia provides that:

Regulation 12.1:

'A connection may be transferred in the name of another person upon death of the Consumer or, in case of transfer of ownership or occupancy of the premises, upon application for change of name by the new owner or occupier'

Regulation 12.3

Application under Regulation 12.2 shall be accompanied by:

- a) *Consent letter of the transferor for transfer of connection in the name of transferee.*

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b) In the absence of a consent letter, any one of the following documents in respect of the premises (i) proof of ownership of premises/occupancy of premises (ii) in case of partition, the partition deed; (iii) registered deed or (iv) succession certificate ..

17. The main dispute in this case is about ownership of the premises which is of a civil nature. As submitted by the Applicant/Complainant, the matter about title of premises / forgery is under judicial consideration. Applicant/ Complainant has not submitted any court documents but submitted the legal notices sent to his mother and brother. He has also submitted documents put forth in RTI and Police station about forgery committed by his family members (mother and brother). Regulation 7.9 of Maharashtra Regulatory Electricity Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman), Regulations, 2020 inter alia provides that –

The Forum shall reject the Grievance at any stage under the following circumstances:

(a) In cases where proceedings in respect of the same matter and between the same Complainant and the Licensee are pending before any court, tribunal, 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

If so, then we are of the opinion that the Applicant/Complainant has right to approach the Utility (Adani Electricity Mumbai Ltd.) , after conclusion of the said dispute pending before any court of law or authority.

18. In the result, considering the above facts, the grievance can not be admitted in this Forum. However, in the event, by the order of any appropriate court of law or any authority or upon conclusion of dispute between the parties, if the Applicant/Complainant held to be the sole owner or the occupier of the premises having address at Ex 77 11 16, Kumar Devi Sharma Chl., Shastri Nagar, Church Road,

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Adani Electricity 'AEML**

Kalina, Santacruz East, Mumbai 400029, he will be at liberty to approach the licensee for restoration of his name in electricity billing.

Dated : 23/08/2022
Place : Mumbai

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OF CONSUMER GRIEVANCES
Adani Electricity 'AEML'

Sd/-

Sharmila S. Ranade
Member (Independent-CPO) - CGRF

Sd/-

Ashish Khedkar
Member - CGRF