

## BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

(Appointed by the Maharashtra Electricity Regulatory Commission  
under Section 42(6) of the Electricity Act, 2003)

REPRESENTATION NO. 168 OF 2022

In the matter of change of name

Roshankumar Bharatbhai Kevadia ..... Appellant

V/s.

Adani Electricity Mumbai Limited (AEML)..... Respondent

Appearances:

- Appellant : 1. Roshankumar Bharatbhai Kevadia  
2. Tarun Bharatbhai Kevadia
- Respondent : 1. Mritunjay Kumar Jha, Dy. General Manager & Nodal Officer  
2. Pushparaj Jaint, , Zonal Head, Kandivali  
3. Laxman Gawas, Zonal Commercial manager, Kandivali  
4. Apeksha Jadhav


**Coram: Vandana Krishna (IAS Retd.)**

Date of hearing : 16<sup>th</sup> December 2022

Date of Order : 4<sup>th</sup> January 2023

### ORDER

This Representation was filed on 31<sup>st</sup> October 2022 under Regulation 19.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020) against the Order

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai




dated 23<sup>rd</sup> August 2022 passed by the Consumer Grievance Redressal Forum, AEML (the Forum).

2. The Forum, by its Order dated 23.08.2022 has rejected the grievance application in Case No. CGRF Misc-001 of 2022-23. The Forum observed that

*“The Applicant/Complainant raised an objection regarding name of meter no. RS 09741038(Account No. 100111372) to the authorities of AEML. It appears that the issue is still pending, and cause of action has not arisen. The Applicant/Complainant can raise his grievance before the concerned higher authorities of AEML. The relief sought by the Applicant/Complainant, before this Forum, at this juncture, does not fall in the definition of grievance. Therefore, this grievance cannot be admitted in the Forum at this juncture.”*


3. The Appellant has filed this representation against the order of the Forum. The hearing was held on 16.12.2022 where the Appellant was physically present, and the Respondent attended the hearing through video conference. The Appellant’s written submission and arguments in brief is stated as below: -

- (i) The Appellant (Roshankumar Bharatbhai Kevadia) is one of the joint-owners of the property known as Fakir Jetha House at Mangaldas Fakira Kevadia Chawl and at Devram Fakira Kevadia Chawl, Iraniwadi, Hemu Kalani Road No. 4, Kandivali (West), Mumbai. The said property falls under rental/pagadi system. Out of 19 rooms, 11 rooms are allotted to Mangaldas Fakira Kevadia and 8 rooms are allotted to Bharat Devrambhai Kevadia as per family settlement agreement. The Appellant is the Son of Bharat Devrambhai Kevadia. The premises under consideration, Room No.4 is rented out to the tenant Shri G.K. Shah who expired in 2014. His son Shri Bharatbhai Gulabchand Gangar is staying in the said property since long, and has applied for change of name from his father to son.

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



- (ii) The Appellant requested the Respondent that it should not process any application for new connection or change of name of any consumers without No Objection Certificate of the landlord/owner, and requested to block the online system of billing to avoid misuse. The Appellant put on record the details of Name of Consumers and their Account Numbers, Meter Numbers, along with full details for “Block System”.
- (iii) The Respondent accepted his request, and “Block System” tagging was done for the concerned account numbers. During the hearing, the Respondent explained that the purpose of ‘blocking’ was to check or verify all details in an application before granting or rejecting change of name. The change of name would not happen automatically in a routine course, but only after due scrutiny.
- (iv) The Appellant states that electricity is a basic need as per the Electricity Act, 2003, but change in the name on bill of electricity does not amount to basic amenity. Owner of property has a right to submit objection for change of name if anybody applies without NOC of Landlord. Hence, it is the duty and responsibility of Distribution Licensee to keep on hold any illegal application for further scrutiny.
- (v) Some unknown person submitted an application for change of name in prescribed Form 16.1. On 1<sup>st</sup> August 2022, a telephonic call was received by the Appellant from the Respondent because of the Block System instructed by the Appellant. The Appellant took a strong objection for processing of the said Form 16.1. The Appellant personally explained their Family Settlement of property to the authorities of Respondent. During the hearing, when asked the reason for their objection, the Appellant stated that firstly the tenant has not paid rent of about Rs.200/- per month for the last 11 years or so, and secondly he is trying to make some unauthorised extensions.
- (vi) Under instructions and on behalf of the Appellant, Advocate Prajakta Satam-Rane issued a notice on 28.01.2022 to Mrs. Kasturiben Gulabchand Gangar-Shah, Bhavesh Gulabchand Gangar-Shah, and Bharat Gulsbchand Gangar -

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



Shah for not paying rent of 132 months amounting to Rs. 2,640/- for Room No. 4 of the said chawl, and also trying to carry out unauthorised alteration etc. This is a breach of tenancy rights as per the provisions of the Rent Control Act, 1999, and so, the Appellant is entitled to terminate tenancy in respect of the said room.

- (vii) The Appellant filed his grievance application before the Forum on 17.08.2022. The Forum, by its Order dated 23.08.2022 rejected the grievance application. The Forum failed to understand the basic issue of change of name without NOC of the Appellant, being the landlord. The Forum in its order stated that the application for Change of Name of G. K. Shah, having Account No.10011372 and Meter No. RS09741038, is still pending, and the cause of action has not yet arisen. G.K. Shah and name transferee, Mr. Bharat Gulabchand Gangar are both different parties.
- (viii) The Appellant has already enclosed death certificate of G.K.Shah. It is not possible to process the Form 16.1 of change of name to his son without Succession Certificate as mentioned in Regulation 10.2 of Change of Name of Supply Code Regulations 2005. A succession certificate of legal heir is mandatory as per Maharashtra Extra Ordinary Gazette dated 20.01.2005. During the hearing it was clarified that the son of late G.K. Shah has changed his name from Bharat Gulabchand Shah to Bharat Gulabchand Gangar in the year 2022 as per Gazette Notification dated 25<sup>th</sup> August 2022.
- (ix) It is learnt that the Respondent has applied for change of name of the electric connection from G.K. Shah, CA No. 10011372 to Bharat Gulabchand Gangar, CA No. 153329379 without NOC from the Landlord.
- (x) In the past, the same consumer was involved in theft of energy, however, the Respondent did not take any action against him due to corruption in the matter.
- (xi) The Respondent has violated Regulation 19.1 of CGRF & EO Regulations 2020 for processing change of name when the grievance was under process.

(Dilip Dumbre)  
Secretary


Electricity Ombudsman Mumbai



- (xii) The Appellant requested to condone the delay of 8 days in filing the representation, as the order of the Forum was not received in time, and he was not aware that order was available on website.
- (xiii) In view of the above, the Appellant prays that
- action be taken against the concerned official of the Respondent for supporting the theft.
  - the Respondent be penalised for violation of Regulation 19.1.
  - the Respondent be directed to cancel the change of name from G.K. Shah to Bharat Gulabchand Gangar with immediate effect.

4. The Respondent filed its reply on 2<sup>nd</sup> December 2022. The hearing was held on 16.12.2022 where the Respondent attended the hearing through video conference. The Respondent's submission and arguments in brief is stated as below: -

- The present Representation is filed before this Hon'ble Authority by the Appellant *inter alia* challenging order dated 23.08.2022 passed by the Forum.
- The Forum has dismissed the Complaint filed by the Appellant at the admission stage, as there was no cause of action of any nature whatsoever, and the relief sought by the Complaint did not fall under the definition of Grievance as provided under the Regulation 2.1 (e) of CGRF & EO Regulations, 2020. At present, the name of connection has been changed on 17.09.2022 from G. K. Shah (CA No. 100111372) to the name of Bharat Gulabchand Gangar (CA No.153329379).
- The Complaint filed by the Appellant before the Forum, and the Representation filed before this Hon'ble Authority is nothing, but an abuse of the grievance mechanism established by the Maharashtra Electricity Regulatory Commission (the Commission) to resolve grievances of consumers. Hence the present

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



Representation filed by the Appellant deserves to be dismissed with exemplary cost.

- (iv) As per Regulation 19.1 of CGRF & EO Regulations, 2020, any Complainant who is aggrieved by the order of the Forum is required to file his representation within 60 days from the date of the order of the Forum. However, the present Representation has been filed after a lapse of the statutory period of 60 days. Therefore, the present Representation is liable to be rejected solely on this ground.
- (v) The dispute raised by the Appellant before the Forum was pre-mature. The Appellant had raised an objection regarding change of name on the electricity bill pertaining to CA No. 100111372 installed in the name of one G.K. Shah (the tenant of Room No.4). The issue was pending with the Respondent and during the said period, the Appellant filed the grievance with the Forum. Accordingly, the Forum rightly dismissed the said Complaint as no cause of action had yet arisen, and the relief sought by the Complaint did not fall under the definition of Grievance as provided under the Regulation 2.1 (e) of CGRF & EO Regulations, 2020. So, the Forum did not call for any written reply from the Respondent.
- (vi) The grievance of the Appellant against the change of name on the electricity bill of CA No. 100111372 as raised by him in the present Representation has never been raised by the Appellant before the Forum. Hence, grievance of the Appellant against the change of name from G.K. Shah CA No. 100111372 to New CA No. is 153329379 in the name of Mr. Bharat Gangar cannot be raised by the Appellant directly before this Hon'ble Authority in the present representation, and hence the present representation is liable to be rejected on this ground alone.

(Dilip Dumbre)  
Secretary


Electricity Ombudsman Mumbai



- (vii) There is some internal dispute between the family and the occupant who is a tenant. The claim of the Appellant that he has terminated or wants to terminate the tenancy cannot be adjudicated before this Hon'ble Authority. It is a fact that the Appellant is not the occupant of the premises to which electricity supply vide CA No.100111372 was connected.
- (viii) The Appellant has not made the Bharat Gangar as a party respondent in the present Appeal, though he is the affected party. Hence the present appeal is liable to be rejected for non- joinder of the necessary party.

**Brief Facts of the Case:**


- (ix) Any application received by the Respondent is dealt with accordance with the Electricity Act, 2003 and regulations framed thereunder by the Commission. Regulation 12 of the Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021 (Supply Code & SOP Regulations 2021) provides for change of name. The said regulation casts a duty upon the distribution licensee to carry out change of name on an application by the owner / occupier of the premises.
- (x) Electricity is a basic amenity, and enjoyment of the said amenity or name on the electricity bill does not confer any right or equity in favour of user in occupation to defeat the title of the lawful owner.
- (xi) In the present case, the electricity connection was originally installed prior to June 1992 in the name of Mr. G. K. Shah, the original tenant, under the Consumer Account no. 100111372 at Mangaldas Chawl, Room No.8, H Kalani RD 4, Iraniwadi, Kandivali, Opp. Shah Chemist, Mumbai 400 067 as per the old records available with the Respondent.

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai





- (xii) Further, as per the available records, any change of name on the electricity bill was blocked on 21.10.2014.
- (xiii) On 15.09.2022 the Respondent received an application for change of name on the electricity bill from Mr. Bharat Gangar along with documents. However, since any change of name on the electricity bill was blocked by the Appellant, the said application could not be processed.
- (xiv) On 22.07.2022 the Respondent received a letter from Mr. Bharat G Gangar through his advocate requesting the Respondent to transfer the name on the said electricity bill in favour of Mr. Bharat G Gangar, and not to consider the objection raised by the Appellant. The said letter also mentioned that the Owner of chawl Ms. Kamala Mangaldas Kewadia has given her no objection to transfer the name of the electricity bill in the name of the Mr. Bharat Gangar. The said No objection letter of Ms. Kamala Mangaldas Kewadia along with her ID proofs viz. Aadhar Card and PAN card was also submitted along with the said letter. Other necessary documents required under the provisions of Supply Code & SOP Regulations 2021 were submitted.
- (xv) During the hearing, it came to light that the tenant G. K.Shah expired in 2014. He has two sons, one of whom, Bharat Shah / Gangar, has been staying with him in the tenanted room since long.
- (xvi) On 02.08.2022, a letter of objection for change of name on the electricity bill of CA No. 100111372 was received from the Appellant.
- (xvii) Thereafter further letters dated 20.08.2022 and 14.09.2022 were received from the Appellant through his advocate, and the same were replied by the Respondent vide its letters dated 24.08.2022 and 20.09.2022 respectively. In the said letters the Respondent explained the entire facts to the Appellant in a detailed manner.

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai






- (xviii) **Accordingly Change of name on the electricity bill was carried out on 17.09.2022 from the name of Mr. G K Shah CA No.100111372 to the name of Mr. Bharat Gulabchand Gangar with New CA No. 153329379, based on the documents submitted by the applicant Mr. Bharat Gulabchand Gangar.**
- (xix) The Appellant has, with intent to mislead this Hon'ble Authority, suppressed the reply letters sent by the Respondent as set out hereinabove.
- (xx) The Respondent is not in any manner whatsoever liable to pay any compensation to the Appellant, as the Respondent being a distribution licensee has acted in accordance with law. The present Representation is nothing, but an abuse of grievance redressal mechanism established by the Commission and hence liable to be dismissed with exemplary costs.
- (xxi) In view of the above-mentioned facts and circumstances, it is prayed to dismiss the present Representation.

### **Analysis and Ruling**

5. Heard both the parties and perused the documents on record. There is a delay of 8 days for filing the Representation which is condoned. The Appellant is one of the joint-owners of the property mentioned above. The said property is rental/pagadi system premises. Out of 19 rooms, 11 rooms belong to Mangaldas Fakira Kevadia and 8 rooms belong to Bharat Devrambhai Kevadia, who is the father of the Appellant. The Respondent has done change of name of electric connection of Room No.4 of the said Chawl from Tenant, G.K. Shah (CA No. 10011372) to his son Bharat Gulabchand Gangar (CA No. 153329379) without any NOC from the Landlord. The Appellant alleges that this act of the Respondent for change of name is a violation of the Maharashtra Rent Control Act, 1999. The tenant is a defaulter and not giving

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai




any rent to the Appellant since the last 132 months. The Appellant-family has already served a legal notice to tenant for non-payment of rent and for trying to make unauthorised renovations.

6. The Respondent contended that it has done the change of name from Late G.K. Shah to his Son Mr. Bharat G. Gangar (Gazette name changed from Bharat G. Shah to Bharat G. Gangar as per Gazette notification dated 25<sup>th</sup> August 2022) on 17.09.2022 as per request application dated 22.07.2022 after proper scrutiny of the necessary documents as provided under the Supply Code & SOP Regulations 2021. It is also stated by Bharat G. Gangar that the objection raised by the Appellant should not be considered as Owner of chawl, Kamala Mangaldas Kevadia has given her No Objection Certificate to transfer the name of the electricity bill in the name of Mr. Bharat Gangar. However, it is not clear if the owner of the said Room No. 4 is Kamala Mangaldas Kevadia or Bharat Devrambhai Kevadia. Be that as it may, it does not affect the fact that Bharat Gulabchand Gangar is the ~~undisputed~~ son of the late tenant Shri G.K.Shah and has been undisputedly occupying the said premises since prior to 2014 with his father.

7. It is necessary to go through the Regulation 12.1 of Supply Code & SOP Regulations 2021 regarding change of name which is quoted as below:

*“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: .....**” (Emphasis supplied)*

In the instant case, the original tenant G.K. Shah, also known as Gulabchand Gangar, expired on 04.10.2014 as per death certificate of Health Department of Municipal Corporation Greater Mumbai. Bharat Gulabchand Gangar is the son of late Gulabchand Gangar. Hence, the Respondent has executed the change of name from father to his son as per the Regulation 12.1 quoted above. The Appellant has not disputed that Bharat Gulabchand Gangar is the son of the original tenant, nor has he disputed that he is living in the said premises

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



8. The main contention of the Appellant is that the tenant has not paid the rent for the last more than 11 years, and has further tried to make unauthorised renovations in the tenanted room because of which he has been served with a notice for termination of tenancy on 28.01.2022. This is a separate and independent dispute under the tenancy laws of Maharashtra Rent Control Act 1999 and does not affect the right of the tenant, who is in undisputed occupancy of the premises for decades, to get the electric connection changed in his name.

The circumstances of the present case are of a routine nature whereby the name on the electric connection is changed from father to son after the father's death. The son is actually physically occupying the premises. Hence, we find that the Respondent is right in granting the application for change of name. At the same time, this does not grant any automatic future tenancy rights to the son Bharat Gangar. The Appellant is free to pursue his case regarding termination of tenancy independently under the concerned law.

9. The Forum, by its Order dated 23.08.2022 has rightly rejected the grievance application. Hence, it is not necessary to interfere in the order of the Forum.

10. In view of the above, the representation is rejected and disposed of accordingly.

Sd/  
(Vandana Krishna)  
Electricity Ombudsman (Mumbai)



(Dilip Dumbre)  
Secretary

Electricity Ombudsman Mumbai

