

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 171 OF 2023

In the matter of second connection in alleged same premises and change of name thereof

Mr. John George Lobo..... Appellant

V/s.

Adani Electricity Mumbai Limited (AEML)..... Respondent No.1

Mrs. Helen Lobo Respondent No. 2

Mr. Mahipal Yashwantraj Sundehsa Mehta..... Respondent No.3

Appearances:

Appellant : 1. Mr. John George Lobo
2. Mrs. Nisha Clara Lobo

Respondent No. 1: 1. Mritunjay Jha, General Manager & Nodal Officer
2. Ashay Dalal, General Manager
3. Rupali R. More, Assistant Manager


Respondent No. 2: 1. Helen Lobo
2. Adarsh Baheti

Respondent No. 3: 1. Mahipal Y. Sundesha Mehta
2. Yashwantraj D. Mehta

Coram: Vandana Krishna [IAS. (Retd.)]

Date of hearing: 6th February 2024

Date of Order: 27th February 2024


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Secretary
Electricity Ombudsman Mumbai



ORDER

This Representation was filed on 7th December 2023 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 dated 27th October 2023 passed by the Consumer Grievance Redressal Forum, AEML (the Forum). The Forum, by its order dismissed the grievance application in Case of CGRF 08010/2023-24.


2. Aggrieved by the order of the Forum, the Appellant has filed this representation. A physical hearing was held on 6th January 2024. All parties were heard at length. For easy understanding, the submissions and arguments of the Respondent No. 1(AEML) are stated first as below:

- (i) The premises under discussion actually consists of two adjacent shops, with 2 independent connections, one of the Appellant and the other of Respondent No. 2/3. Attached a photograph showing two independent shops. The premises are located in a slum whose land originally belongs to Airports Authority of India. Hence in effect both the shops are unauthorised / encroachments.
- (ii) The Appellant has raised an objection for change of name on the electricity bill of CA No.150354812 which was in the name of Respondent No.2 (Helen Lobo) under Commercial Tariff category, as shown in Table 1 below, to the name of Mahipal Mehta vide New CA 153470144, and has requested to cancel the same.

The details of change of name are tabulated below:

Table 1:

Original Consumer				First Change of Name			Second Change of Name		
Original Consumer name	Original Consumer No.	Year of supply	Address	First change of name	Year of change of name	Consumer Number after first change of name	Second change of name	Date of change of name	Consumer Number after second change of name
Felix Lobo (brother of Appellant), expired	101544364	1991 : From erstwhile BSES (Now AEML)	3, Cool Controller, M.C. Chagala Marg, Opp. Bank of Baroda Society, Vile Parle East, Mumbai 400099	Mrs. Helen Lobo (wife of Felix Lobo)	2005 : From erstwhile Reliance Energy Ltd. (Now AEML)	150354812	Mahipal Mehta, purchaser	18.04.2023	153470144


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No Locus Standi for filing this Representation:


- (iii) The Appellant (John Lobo) is a Commercial Consumer having CA No.101499909 for “Lobo Provision Stores” at M.C. Chagala Marg, Opp. Bank of Baroda Society, Vile Parle East, Mumbai 400099. The consumer number tabulated in Table 1 is not in his name, for which change of name has been carried out. Consequently, the Appellant does not have any locus standi to file this representation. In fact, issues raised in the complaint /appeal are not covered under the definition ‘grievance’ as defined under Regulation 2.1(e) of the CGRF & EO Regulations 2020. His grievance is in the nature of a family dispute, wherein he is challenging the validity of the sale deed between, and the rights of Respondents No. 2 and 3 in the premises. The definition of a grievance reads as under:

“ (e) “Grievance” means any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance, which has been undertaken to be performed by a Distribution Licensee in pursuance of a licence, contract, agreement or under the Electricity Supply Code or in relation to Standards of Performance of Distribution Licensees as specified by the Commission and includes inter alia Grievances in respect of non-compliance of any Order of the Commission or any action to be taken in pursuance thereof, which are within the jurisdiction of the Forum or Electricity Ombudsman, as the case may be;”

The present cause of action in this representation is not covered under the definition of grievance, and hence deserves to be rejected at the initial stage.

Brief Facts:


- (iv) It is submitted that prior to 2005, an electricity connection vide CA No. 101544364 in the name of Felix Lobo, under Commercial category was granted for the premises. The first change in name was done in 2005 in the name of his wife Helen Lobo, as shown in Table 1.
- (v) On 18.04.2023, the second change of name was done through online portal from Helen Lobo to Mahipal Mehta, based upon the documents i.e. change of name application, **Sale Agreement dated 24.03.2023 executed between Helen Lobo and Mahipal Mehta**, Affidavit and Udyog Adhar submitted by the Respondent


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No. 3. During the online change of name, the contact number registered was 9757202488.

- (vi) It is submitted that on 19.04.2023 the contact number in the Respondent's record was changed to 8268809322 by Mahipal Mehta. On 13.06.2023 the said contact number was changed to 9869077568 by one Nisha Lobo i.e., daughter of John Lobo, the Appellant. During the hearing, the Respondent No. 1 alleged that this change of contact by Nisha Lobo was malafide and not based on the true contact number of Mahipal Mehta.
- (vii) On 14.06.2023, John Lobo i.e., brother-in-law of Helen Lobo raised an objection for the change of name, stating that he is the owner of the shop. As per the required process, the personnel of the Respondent No.1 contacted the consumer on the registered mobile 9869077568. The lady who received and responded to the call, portrayed herself as "Mahipal" and stated that the sale papers are forged which were uploaded during the change of name, and requested to revert the same. The Respondent No.1 asked her to submit a request application for the same. These actions clearly indicate that the Appellant has not come with clean hands, and acted with mala fides.
- (viii) On 22.06.2023, the first notice was sent to Mahipal Mehta. On 27.06.2023 he along with Helen Lobo visited the Customer Care Centre of the Respondent No.1 along with the documents. On the same day, he requested to change the contact no. to his actual number 8268809322. Pursuant thereto, on 11.07.2023, a site visit was done to verify and reconfirm the physical occupation of the premises. It was found that Mahipal Mehta is in occupation of the premises to which the electricity connection vide CA No 153470144 is granted. He runs a jewellery shop there. During the hearing he stated that he has been running the same jewellery shop there as occupier / tenant prior to the sale deed also, for the last 20 years or so.
- (ix) On 11.07.2023 a letter was sent to John Lobo explaining the entire facts. Thereafter Nisha Lobo visited the office of the Respondent No. 1, when it was explained to her about the change of name and its process. On 03.08.2023 a second letter was sent to John Lobo clarifying the facts and process.


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- (x) The provisions related to Change of Name are stipulated under Regulation 12 of the Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021. The said Regulation 12 provides as under: -


“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:

12.2 The application for change of name shall only be submitted online for Urban Area accompanied by such charges as are required under the approved Schedule of Charges of the Distribution Licensee: Provided that application for change of name in Rural Area may be submitted online or in hard copy form.

12.3 The application under Regulation 12.2 shall be accompanied by: a. consent letter of the transferor for transfer of connection in the name of transferee; 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; c. photocopy of license / permission with respect to the purpose for which electricity is being supplied to the premises, if required by statute.”

In the instant case, the change of name has been effected on the basis of valid documents i.e., transfer of the property / occupancy submitted by the Appellant. The Respondent No. 3 has been occupier of the premises since many years.

- (xi) The electricity connection was granted way back prior to 2005 and there was no objection ever raised by any person. The application for new connection in the name of Mr. Felix Lobo and subsequent change of name have been carried out as per the process applicable from time to time and based on the application and supporting documents submitted by the Respondent No.2 & 3. Even if it is assumed that the Appellant is the lawful owner of the property, it is a settled



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position of law that NOC of the owner of the property is not required for grant of electricity supply/ change of name. An application for change of name is processed in accordance with the Regulation 12 of the Supply Code & SOP, Regulation 2021.

- (xii) The personnel of the Respondent No. 1 have recently taken a photograph of the premises which provides the status of both the premises to which electricity connection in the name of the Appellant and Mr Mehta has been granted.
- (xiii) Based on the entire communication and objections made by the Appellant, it seems that there is some internal property dispute which can be resolved only by the competent forum, i.e. a Civil Court, and / or by mutual settlement between the relevant parties. **The existing name on the electricity bill will not in any manner prejudice the rights of the parties.** The order passed by the learned Forum is after due consideration of all the facts, and does not deserve any intervention.
3. The Appellant's submissions and arguments are as below.
- (i) The Appellant is the owner of "Lobo Provision Stores" and has a commercial electric connection (CA No.101499909) at M.C. Chagla Marg, Opposite Bank of Baroda Quarters, Vile Parle (E), Mumbai. This shop is given on rent. The Appellant's brother, Felix Lobo (deceased) was running his refrigeration business at home and had requested him to provide temporary space for storing refrigeration parts at the said shop premises.
- (ii) The Appellant alleged that Felix Lobo had taken another electric connection in his name by way of fraud, forgery, and deceit for the other part of the same shop on the same premise known as "Sai Cool Controllers." His name got transferred to his wife Helen Lobo in 2005 on his death. After that, she transferred it to the trespasser Mahipal Yashwantraaj Mehta on 18.04.2023 by illegally making a fake sale agreement and selling the shop. The chronology of the electric connections is charted in Table 1.


The transfer to Mahipal Mehta was done on a fraud, fake sale agreement and gumasta license. Mr Felix Lobo had no documents whatsoever in his name. When the property tax is paid by the Appellant, John Lobo for the last 40 years,


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on what basis have AEML officials accepted these fake documents of Helen Lobo, and refused to accept the original documents of the Appellant, John Lobo, the shop owner? When the Appellant has not given his consent, signature, etc. how can there be a sale? Helen Lobo is trying to portray that it is two separate shops but in fact it is a single shop and having the name of "Lobo Provision Stores".

- (iii) The Appellant, being the elder brother of Felix Lobo, offered him only a temporary space in his shop, i.e., "Lobo Provision Stores". Since Felix Lobo was running a refrigeration repairing business, he would make extensive use of electricity. So, the Appellant told him to make some other arrangements for electricity, but he had not given him any consent, permission or No Objection Certificate. Felix had taken a separate connection / meter in his name without any documents in the year 1991 and has used his surname "LOBO" to his advantage. The Appellant was not aware of the same as he shifted to Mira Road for his job in L&T Company.
- (iv) The late Felix Lobo was a drunkard who passed away in 2005. In 2003, when he was sick, he had given the shop to Mahipal Yashwantraj Sundesha Mehta known as "Mehul Jewellers" on rental basis without the Appellant's approval, consent or permission. The Appellant did not object to it on compassionate grounds as his brother was very sick and had 3 small kids.
- (v) In the month of March 2023, the Appellant informed Helen Lobo to vacate his shop of any encumbrance, as the shop was given to her late husband on temporary basis, and he did not object to it as her kids were small when he passed away.
- She did not revert, and through Appellant's shop tenant, Mr. Gopal Suvarna he got to know that Respondent No. 3 (Mahipal) was carrying out illegal renovations in his shop, and that he was refusing to move out of his shop peacefully.
- (vi) On enquiring further at the helpdesk at AEML, he came to know that the documents which were submitted by Mr. Mahipal Mehta were his documents.


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- (vii) The Appellant gave a written complaint to AEML on 14.06.2023. After which Miss. Rupali More from AEML called Helen Lobo and Mahipal Mehta to her office on 27.06.2023. On the basis of those fraud sale agreement document and gumasta license, she has arrived at the conclusion that the name on the electricity bill cannot be changed to John Lobo and cannot be cancelled.
- (viii) The Appellant requires copies of all the documents submitted by Felix Lobo / Helen Lobo (Account No.150354812) and Yashwantraaj Sundesha Mehta (Account No -153470144) on the basis of which this meter connection was provided to them and on the basis of which this change of name was effected on the electricity bill.
- (ix) The Appellant filed a grievance application in the Forum on 30.08.2023. The Forum, by its order dated 27.10.2023 dismissed the grievance application. The order passed by the Forum has several defects. The Nodal Officer Mritunjay Jha had said in his reply that the Appellant has no locus-standi to the present grievance. **AEML had illegally set up a meter connection for a trespasser to enjoy electricity in his premise, then how can they say that the Appellant has no locus-standi.** This order is justifying the mistakes that AEML have purposely made in transferring the electricity meter connection to Mahipal Mehta.
- (x) The Appellant raised the following issues for consideration: -
- Issue 1: How can the Forum justify that it is a 20+ years old case. The change of name was done on 18.04.2023 to Mahipal Mehta. In the order, it was written that John Lobo, the Appellant, knew that his brother was using electricity connection for commercial usage, which is absolutely false. **Till May 2023, the Appellant never knew that there was a separate meter connection in his premise.** He came to know through AEML, the consumer number and other such details. He never gave any consent for the other meter connection in his premise. How could he come to know it got transferred to Helen Lobo on the death of her husband?



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The Appellant came to know about this from AEML helpdesk in May 2023. The Appellant immediately raised an objection with them on 14.06.2023. How can there be two meter connections in his single shop. He does not require 2 electric connections in his shop premise. AEML officials have illegally setup this electric connection for their own benefit and interest without his consent, and knowledge. As per the order and the records of the Respondent No. 1, this was a new connection which was taken by Felix Lobo. So, apart from the application form submitted by Felix Lobo to AEML to get this new connection i.e. C.A No. 101544364, AEML has no documents of Mr. Felix Lobo, and had illegally allowed him to enjoy electricity in his premise till date. AEML gave electricity connection illegally only on the basis of an application form. On their website they require various documents but, in this case, they are happy with just the application form of Felix Lobo which made them believe that he is the owner of the premise. They are aware that they have no documents on record but are supporting this fraud.

- Issue No 2: The Appellant never admitted that Helen Lobo took charge of the disputed premise. Their kids were small and on compassionate grounds and on a temporary basis it was given to his brother late Felix Lobo. This does not mean that he gave Helen Lobo any charge or possession. Why would he give Helen Lobo charge of his premise? She is not the caretaker of his premise. Is she currently doing refrigeration work? Does AEML have any documents on record to show that he had given Helen Lobo charge of the premise? The Appellant did not know who Mahipal Mehta is. He is a fraud and a trespasser, who is at present enjoying the premise. Helen Lobo and Mahipal Mehta both are frauds.

How can the Forum say that John Lobo is not the consumer, when he is paying property tax on this entire premise (Lobo Provision Stores, and the disputed premise) for more than 40 years? AEML has illegally given electricity connection to Felix Lobo which then got transferred to Helen


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Lobo by fraud and she transferred it to Mr. Mahipal Mehta. Has the Forum mentioned anywhere on record the stamp duty, registration number of the Sale agreement? The Forum accepted the fake documents of sale agreement to show that they are the owners of the property.


- Issue No.3: The Forum's observations are for the benefit of AEML, Helen Lobo and Mahipal Mehta. The Appellant had executed a Power of Attorney in his daughter's name, who is paying property tax for more than 40 years, on this premise. Thus, it is obvious that he is the sole owner of the property.

(xi) In view of the above, the Respondent No.1 be directed:-

- a) to cancel the CA.No.153470144 of Mahipal Mehta immediately as the Appellant is the owner and he already has one electricity connection.
- b) to disclose all documents which were used for taking the first connection by late Felix Lobo and further change of names to Helen Lobo and to Mahipal Mehta.


4. The Respondent No.2 (Helen Lobo) filed her reply by email dated 10th January 2024. Her submissions and arguments are stated as below:

- A) The Respondent No. 2 was the Consumer of AEML as tabulated in Table 1. Her husband, late Mr. Felix Lobo, had a business in the name of "Cool Controllers" for repair of refrigerators and air conditioners from 1985. His Shop and establishment license had Registration No. K/E-I 8970/ 6743 from 1985 to 1992. However, his shop was closed due to loss in business. Hence Gumasta license was not renewed further. The MTNL Connection was in the name of Mr. Felix Lobo from 03.01.1992.
 - Electric meter connection was obtained from erstwhile BSES in the name of Felix Lobo for the establishment in 1991 as tabulated in Table 1.
- B) The structure in the name of Cool Controllers was already present in 1991, to which an independent electricity connection was granted by BSES. It was always two structures, not a single premises.


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- The shed tax was in the name of Francis Gasper Lobo (Father of the Appellant) since 1981. Later, after partition of the premises, the original meter name and shed tax was transferred in the name of John George Lobo (Appellant) in the year 1995.
 - Original Consumer NO. 101544364 - Meter connection was obtained in the name of Felix Simon Lobo in the year 1991. After demise of Felix Lobo in the year 2005, it was changed to Helen Lobo in the year 2006. When the property was sold to Mr. Mahipal Yashwantraaj Sundesha Mehta in the year 2023, the meter was also transferred in his name on the basis of sale deed as tabulated in Table 1.
- C) The property was originally one structure, which was later divided into two parts somewhere around in 1991. Hence, a separate electric connection was taken in the name of Felix Lobo.
- D) There is no property tax applicable to this premises, as it belongs to Airport Land (central government). All the slum shops in this area do not pay property tax. Very few, not even 5% of them, have obtained this so-called shed tax from BMC. John Lobo is paying a nominal shed tax to BMC on his own accord to establish his claim. The Respondent No.2 had not asked him to pay this so-called shed tax on her behalf.
- E) The Appellant claimed that he had a Power of Attorney (POA) issued by his father to pay this tax on their behalf, which is false to mislead this office. There is no such POA. Her father-in-law expired in the year 1991, so POA is null and void since 1991.
- F) The Respondent No.2 argued that her sale deed was not necessary to be registered, and it was notarized as is the practice in the case of all slum structures.
- G) The following issues are highlighted:
- Partition deed dated 27th January 1995 – There were total 5 siblings, out of which 4 brothers and one sister, along with their spouses, have signed the partition agreement and divided the property of their Father, Francis Lobo, between 3 brothers. Whereas mother's provident fund / gratuity, jewellery was given to the sister in cash and kind. Brother Vincent Lobo, party 3, willingly didn't take any part of the property but he has signed the agreement.



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- Prior to the above partition deed, the shop “Lobo Provision Store”, electricity bill, Gumasta, shed tax bill was in the name of her Father-in-law, Mr. Francis Gasper Lobo. (It was not given by John George Lobo out of respect to her father-in-law as mentioned by the Appellant). All documents pertaining to “Lobo Provision Store”, (electricity Bill, Gumasta and shed tax bill) were transferred in the name of John George Lobo on the basis of this partition deed dated 1995.
 - This partition deed clearly states that the second shop “Cool Controllers” was in exclusive possession of her late husband Felix Lobo, and no person has any claim on it.
- H) The Respondent No.2 had remarried one Radhakrishnan Murugesan in 2017 and divorced in 2021 by mutual consent. She contended that she did not marry under Hindu Undivided Marriage Act as specifically mentioned by the Appellant to mislead, but under Special Marriage Act. The Respondent No.2 has 3 children from her late husband Felix Lobo and sold the property for their further education and their welfare.
- I) In view of the above, it is prayed that the instant representation be rejected.

5. The Appellant submitted a rejoinder by email dated 29th January 2024, of which the important points are stated in brief as below:

- (i) Helen Lobo has submitted 2 (Two) Gumasta licenses in her supporting documents. This is a clear case of cheating, deceit, fraud on their part. In her documents, the Gumasta License K/E-I 8970 was of 12th May 1986 but in her reply she has mentioned since 1985, and K/E-I 6743 was 22nd March 1991. When the entire premise had a Gumasta license in the name of Lobo Provision Stores from 1980, there was no need for Felix Lobo to take a separate Gumasta license in his name by way of fraud, which is totally wrong as the shop was given to him on temporary basis, but unfortunately, he took advantage of the Appellant’s goodwill gesture and took a separate gumasta license.
- (ii) Lobo Provision Stores was set up in the year 1980 by the Appellant.



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- (iii) His father had given him complete Power of Attorney over the properties of both house and shop as of 1989. Gumasta License K/E-I 8970 was taken by Mr. Felix Lobo by fraud as on 12th May 1986 when his father was alive.
- (iv) Electric Meter connection was obtained from BSES in Felix Lobo's name for the establishment as on 07th June 1991 and on 29th August 1991. MTNL connection for Tel No 6370760 is obtained as per Helen Lobo's reply. This shows that Electric meter connection and MTNL connection was obtained by Felix Lobo on the basis of only Gumasta License which is a complete fraud.
- (v) As per the BMC records, both the Gumasta Licenses K/E-I 8970 dated 12th May 1986 and K/E-I 6743 dated 22nd March 1991 were obtained by way of fraud by Felix Lobo, and were cancelled by the B.M.C as on 1992. This means, there was only 1 shop LOBO Provision Stores in existence since 1980 till date.
- (vi) There was only 1 shop by the name of "Lobo Provision Stores" which was further confirmed in the Power of Attorney executed in the name of John George Lobo in his letter dated 1989. Property Tax for the year 2023-2024, Receipt 2023-2024, Assessment dated 26th December 2023 and No Dues Certificate dated 26th December 2023 of Lobo Provision Stores are kept on record. This includes the entire premise. Cool Controllers is just an imaginary shop in Helen Lobo's mind having no legal entity of its own, done with the intention to deceive people.
- (vii) Gumasta license is only for the purpose of doing business. This license is in no way a proof of ownership.

6. The Respondent No.3 (Mahipal Mehta) filed his reply by email dated 9th January 2024. His submissions and arguments are stated as below:


- (i) The Respondent No.3, Mahipal Yashwantraaj Sundesha Mehta jointly with his mother Dimple Mehta have purchased this property as tabulated in Table 1 from the Respondent No. 2, Helen Felix Lobo where they had been tenants from the year 2001 to 2023.
- (ii) The Appellant, John Lobo never took any objection in the year 1991 when the second connection in the name of Felix Lobo was taken. Neither he took any action when


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the same was transferred in the name of Helen Lobo nor he objected for the last 33 years. The Respondent No.3 purchased this property on 24th March 2023 and then transferred the electricity connection in his name on 18/4/2023 as tabulated in Table 1. The Appellant is misleading & harassing the Respondent No.3.

- (iii) “Lobo Provision Store” and “Cool Controllers” both are different structures and different premises owned by different people having different businesses right from 1985. Mr. John Lobo was paying Property Tax for “Lobo Provision Store” and not for “Cool Controllers” premises. Actually, there is No Property Tax to these Premises as this area comes under Airport Land (Central Government) All the slum shops in this premises do not pay Property Tax.
- (iv) They have the partition deed dated 27/01/1995 for the property dated 1995 where it is mentioned that the Shop “Cool Controller” shall be in exclusive possession of Mr. Felix Lobo (Party 2 of the deed).
- (v) The Respondent No. 3 contended that all the above documents are in their possession and after verifying legally, they purchased the above property in the year 2023.
- (vi) Nisha Lobo, daughter of Appellant, fraudulently tried to change the mobile number and email ID in her name on the online portal of AEML and put an application to change the meter in the name of John Lobo on 13.06.2023. When the officer from AEML called the Respondent No.3 (i.e. Mahipal Sundesha Mehta) for verification on the said mobile number, Nisha answered the phone and said she is Mahipal (providing misinformation to the inspecting officer for fraudulent name change purpose) and she was asked to come to the AEML office immediately. Nisha said she was on her way to the office, but till evening she did not turn up. Next day the Respondent No.3 was called to the office of AEML for cross confirmation. Respondent No. 2 and 3, both reached the office on 27th June 2023 and came to know that his mobile number and email ID has been changed by Nisha Lobo through unfair means. Then once again, he restored it in his name. AEML informed the Appellant accordingly.
- (vii) In view of the above, the Respondent No.3 prays that the representation of the Appellant be rejected.


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7. During the course of the hearing, there were serious arguments and allegations between the Appellant and the Respondent No. 2 & 3. It was difficult to maintain discipline of the Court. Hence, further, the Appellant and the Respondent No. 2 & 3 were heard individually to maintain discipline and decorum.


Analysis and Ruling

8. Heard the parties and perused the documents on record. The details of the disputed premises are mentioned in Table 1. These are located in a slum area adjacent to the airport which is apparently owned by Airports Authority of India. Hence, they are all ultimately unauthorised encroachments. Irrespective of that, all occupiers are provided with electricity connections, which does not affect their legal rights, as argued by the Respondent No.1.

9. The Appellant contended that originally there was only 1 shop by the name of “Lobo Provision Stores” which was further confirmed in the Power of Attorney executed in the name of John George Lobo in his letter dated 1989. Property Tax for the year 2023-2024, Receipt 2023-2024, Assessment dated 26th December 2023 and No Dues Certificate dated 26th December 2023 of Lobo Provision Stores are kept on record. This includes the entire premise. Cool Controllers is just an imaginary shop of Respondent No.2 (Helen Lobo) having no legal entity of its own.

10. The Appellant has prayed to cancel the Connection No.153470144 of Mahipal Mehta as the Appellant is the owner. He already has one electricity connection. He has also prayed to disclose all documents which were used for taking the first connection by late Felix Lobo, and further change of names to Helen Lobo and to Mahipal Mehta.

11. We find that this is basically a family property dispute of a civil nature. The original issue arose around 1991 when the second connection was given in the name of the Appellant’s brother Felix Lobo. The Appellant contends that he was unaware of this second connection, which is a far-fetched argument. Even if the Appellant’s claims are true, and even if the


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Respondents No. 2 and 3 fraudulently obtained possession and electricity connections at the disputed premises, at this point of time, their right to an electricity connection cannot be challenged. The Respondent No. 3 has been the occupier of the premises since 2001 or so; whether legally or illegally is beyond the scope of this court to decide. Establishing the legal civil rights of the parties would involve not only examining witnesses but also the legality of documents, which is beyond the purview of this Court. The Electricity Act, 2003 mandates that settled occupiers have a right to obtain an electricity connection. The authorities routinely issue gumasta and electricity connections in such unauthorised slums without registered sale documents, which are often merely notarised.

The Appellant has contended [para 3 (v)] that he asked Respondent No. 2 to vacate the premises. Thus, the root cause of the Appellant's grievance is purportedly the illegal occupation by Respondents 2 and 3. The electricity connection is a related but not sole grievance. We hold that, in view of the complex and civil nature of this dispute, it is beyond the jurisdiction of this Court to entertain this appeal.


12. The Regulation 2.1 (c), (d) and (e) of the CGRF & EO Regulations 2020 defines a Complainant, Complaint & Grievance as below: -

(c) "Complainant" means any Consumer as defined in Section 2 (15) of the Act and includes prospective Consumer, who files the Complaint or Grievance or Representation against the Distribution Licensee;

(d) "Complaint" means a submission made by a consumer expressing dissatisfaction with the electricity supply service provided by the Distribution Licensee;

(e) "Grievance" means any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance, which has been undertaken to be performed by a Distribution Licensee in pursuance of a licence, contract, agreement or under the Electricity Supply Code or in relation to Standards of Performance of Distribution Licensees as specified by the Commission and includes inter alia Grievances in respect of non-compliance of any Order of the Commission or any action to be taken in pursuance thereof, which are within the jurisdiction of the Forum or Electricity Ombudsman, as the case may be;

13. The Section 2(15), of the Electricity Act, 2003 defines a Consumer as below:


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(15) "consumer" means any person who is supplied with electricity for his own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public under this Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a licensee, the Government or such other person, as the case may be;


In view of the above definitions, the Complaint/Grievance of the Appellant does not constitute a complaint/ grievance as per the CGRF & EO Regulations 2020. The Appellant did not raise any complaint /grievance regarding his own connection (CA No.101499909), but he has complained to disconnection of supply of another consumer (CA No. 153470144) which is the Account Number after second change of name. Hence, we confirm that the Appellant does not have any locus standi to file this representation.

14. The Forum has refused to entertain the grievance since the grievance is not maintainable as observed above.

15. The Appellant has the liberty to approach the competent civil court which deals with such property disputes if he desires. This is not the proper adjudicating authority to deal with such civil matters.

16. The present representation is rejected and disposed of accordingly.

Sd/-
(Vandana Krishna)
Electricity Ombudsman (Mumbai)


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

