

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 119 OF 2022

In the matter of change of name

Rambhujharat Sarjuprasad Yadav.Appellant

V/s.

Tata Power Company Ltd. (TPCL) Respondent No.1

Adani Electricity Mumbai Ltd. (AEML)Respondent No.2

Appearances:

Appellant : Rambhujharat Sarjuprasad Yadav

Respondent 1 : 1. Prashant Kumar, Group Head Regulatory, TPCL
2. Tushar Shelke, Head (Revenue Recovery) TPCL

Respondent 2 : 1. Mritunjay Jha, Nodal Officer & DGM, AEML
2. Shrikant Phatak, AVP, AEML

Coram: Vandana Krishna [I.A.S. (Retd.)]

Date of hearing: 28th December 2022

Date of Order: 18th January 2023

ORDER

This Representation was filed on 12th August 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 dated 31st May 2022 passed by the Consumer Grievance Redressal Forum, Tata Power Co. Ltd. (the Forum).

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Secretary

Electricity Ombudsman Mumbai



2. The Forum, by its Order dated 31.05.2022 has disposed of the grievance application in Case No.2 of 2022 with the following observations: -

“Based on the deliberations with complainant and representatives of Tata Power, forum concludes that Tata Power has followed the due process as per MERC guidelines for interim changeover order dated 15th October 2009 for changeover of supply from one utility to another. Also, the forum does not have jurisdiction to call upon Adani electricity representatives for a Tata Power CGRF hearing. Forum comes to conclusion that Tata Power cannot revoke the application processed for change of supply for the reasons stated above. Change of Name may be processed by following the due regulatory guidelines of MERC.”

3. The Appellant, being aggrieved by the order dated 31.05.2022 of the Forum, has filed this representation. The grievance relates to the period of making a changeover of the Appellant’s electricity connection from AEML to TPCL; hence the distribution licensee AEML was also made a party in the instant Representation. An e-hearing was held on 28.12.2022 by video conferencing. All the parties were heard at length. The Appellant’s written submission and arguments during the hearing in brief is as below:

- (i) The Appellant is the landlord and owner of Sarjuprasad Yadav Chawl, R.S. Marg, Shivaji Nagar, Pathan Wadi, Malad (East), Mumbai. The Appellant derived the title of landlord from his father Mr. Sarjuprasad Yadav (expired) who is the original landlord of the said chawl. The Appellant had taken an electric connection in his own name for Room No. 20 of the said chawl before 1985 from the then licensee Bombay Suburban Electric Supply Company (BSES).
- (ii) **Mr. Navinchand Nagindas Parmar was the original tenant of the said Room No. 20. He illegally sublet the said premises to Mrs. Hasumati Maheshbhai Vadhavana without the consent of the landlord.**

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- (iii) **It is learnt that Mrs. Hasumati Maheshbhai Vadhavana had transferred the electricity connection illegally to her name from the erstwhile Licensee- R-Infra (at present AEML) around 2006, and then she applied for changeover of Service Provider from R-Infra to TPCL in the year 2013. TPCL had also accepted this changeover of Service Provider without a ‘No Objection Certificate’ from the Landlord.** The Appellant suspects foul play from the Respondent No.1 (TPCL) for this changeover of service provider application without following due process of law.
- (iv) In view of the above, the Appellant prays that
- (a) the title of electric installation of Mrs. Hasumati Maheshbhai Vadhavana be changed to the original name of Appellant (Mr. Rambujharat Sarjuprasad Yadav) with immediate effect
 - (b) an enquiry be conducted for illegal change of service provider without no objection certificate of owner.

4. The Respondent No. 1 (TPCL) by its letter dated 29.11.2022 has submitted its written reply. The written submission along with its arguments is stated in brief as below: -

- (a) Mrs. Hasumati Maheshbhai Vadhavana applied for changeover of Service Provider of power supply on 20.11.2013 from the erstwhile Licensee, R-Infra (at present AEML) to Respondent No.1 (TPCL) with requisite documents. Mrs. Hasumati Maheshbhai Vadhavana was originally the consumer of Respondent No. 2, AEML (Consumer. No. 150443432). The aforementioned application seeking changeover was processed, continuing with the name on the AEML bill, i.e. Mrs. Hasumati Maheshbhai Vadhavana. Accordingly, Tata Power Consumer No. 900000570324 was assigned.
- (b) Maharashtra Electricity Regulatory Commission (the Commission) has defined the procedure for Changeover of Service Provider in Case No. 50 of 2009 dated 15th October 2009 (Commission’s Changeover Order). The said procedure categorically states the list of activities to be completed before changeover as follows:


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Secretary
Electricity Ombudsman Mumbai



"1.3 Pre-Changeover Activities

- i. *The New Distribution Licensee shall inform the Existing Distribution Licensee on a daily basis (in the agreed format) information regarding completed application forms received.*
- ii. *The Existing Distribution Licensee shall share with the New Distribution Licensee information relating to any arrears/disputes/court cases, etc. for consumers proposing to Changeover within 3 days of receipt of information from the New Distribution Licensee.*
- iii. ***The New Distribution Licensee shall inspect the consumer premises to confirm classification. Connected load, technical issues, if any, etc. within the timeframe as stipulated under SOP.***
- iv. *The New Distribution Licensee shall estimate the security deposit to be provided by consumer as per ESC and intimate the same to the Consumer.*
- v. *The Consumer shall pay such security deposit amount to the New Distribution Licensee.*
- vi. *In case of sanctioned load equal to or higher than 50 KW, the Consumer shall have to enter into an agreement with the New Distribution Licensee at the time of Changeover. ".....(emphasis added)*

- (c) In compliance with the aforementioned Order, Respondent No.1 processed the changeover application with the relevant documents such as identity proof and occupancy proof. **In any case, the Appellant has admitted that the name change of the consumer had already taken place before the changeover of power supply which took place on 29th November, 2013**, and evidently, Respondent No.1 was not approached for that purpose.
- (d) Thus, any grievance of the Appellant ought to have been raised with AEML at the time when the application for change of name was granted in the name of Mrs. Hasumati Maheshbhai Vadhavana, which happened in 2006. Respondent No.1 cannot be held responsible. Therefore, the Appellant's apprehension of foul play by Respondent No.1 is completely baseless and devoid of any merits.
- (e) The Forum, by its Order dated 31.05.2022 has rightly disposed of the grievance application with observation mentioned in Para 2.

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Secretary

Electricity Ombudsman Mumbai



- (f) In view of the above facts and submissions, the Respondent No. 1 prays that the Representation of the Appellant be dismissed.

5. The Respondent No. 2 (AEML) by its letter dated 05.09.2022 has submitted its written reply. The hearing was held on 28.12.2022. The written submission along with its arguments is stated in brief as below: -

- (a) The Respondent No. 2 (AEML) was neither a party as Respondent before the Forum (TPCL), nor any details pertaining to the consumer prior to change over was called by the Respondent No. 1
- (b) The present Appellant is claiming to be the owner of the premises; however, no documents have been submitted by him on record before this Hon'ble Authority.
- (c) The present representation is liable to be rejected for non-joinder of the necessary party i.e. Hasumati Maheshbhai Vadhavana, the present registered consumer of Respondent No.1 Co. Ltd.
- (d) Section 43 (1) of the Electricity Act, 2003 (the Act) inter alia obligates the licensee to provide electricity supply to the premises upon application by the Owner or Occupier of any premises.
- (e) In the instant case, earlier in June 1992 the electricity connection vide CA No. 101819499 was installed in the name of Mr. R Yadav under residential category at Sarjuprasad Yadav Chawl. **Thereafter, in the year 2006, Mrs. Hasumati Vadhavana applied for change of name; relying upon some documents, and at that time the change of name was done vide new Consumer Account No. 150443432.**
- (f) Thereafter on 30.11.2013, the consumer (Mrs. Hasumati Vadhavana) applied for change over to TPCL. As per the process, the consumer shifted to TPCL and at present is consumer of TPCL.
- (g) The Respondent No. 2 AEML did not receive any objection against the change of name of electric connection which was done in 2006. **The cause of action occurred in 2006,**

(Dilip Dumbre)
Secretary

Electricity Ombudsman Mumbai



hence the grievance is time barred, considering Regulation 7.8 of CGRF & EO Regulations 2020.

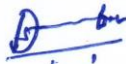
- (h) The registered consumer is now being supplied electricity by Respondent No.1 and is no more consumer of the Respondent No.2.
- (i) Under the circumstances, the present Representation is untenable against this Respondent No. 2, and ought to be dismissed.

Analysis and Ruling

6. It is seen that the real grievance relates to change of name, which happened in 2006, and not to change of service provider, which happened in 2013. In any case, both seem to be time barred. During the course of the hearing, the Appellant stated that a settlement has taken place between the Appellant and the Original Tenant, Navinchand Nagindas Parmar. The Tenant has handed over vacant and peaceful possession of the rented Room No. 20 to the Appellant, the landlord of the premises. Hence, the Appellant desires to withdraw this Representation No. 119 of 2022. The Appellant by his email dated 05.01.2023 has confirmed this.

7. In view of the above, the Representation No. 119 of 2022 is allowed to be withdrawn.

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



(Dilip Dumbre)
Secretary

Electricity Ombudsman Mumbai

