

# BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

## REPRESENTATION NO. 70 OF 2022

In the matter of release of new connection in disputed premises

Hasmatulla Rahamtulla Khan..... Appellant

V/s.

Brihanmumbai Electric Supply & Transport Undertaking (G/N ward) .....Respondent  
No.1  
(BEST Undertaking)

Sufia Tahir Shaikh..... Respondent No.2

Anwar Shaikh.....Respondent No.3

Appearances:

Appellant : 1. Hasmatulla Khan  
2. I. A. Shaikh, Representative

Respondent No. 1 : 1. S. S. Gawde, Divisional Engineer, Customer Care G/N  
2. Tufail Ahmed, Sub Engineer (P)  
3. P.P. Nikale, Suptd. Engineer

Respondent No. 2 : Sayed Shahraz, Representative (Sufia Tahir Shaikh)

Respondent No. 3 : Not present (Anwar Shaikh)


**Coram: Vandana Krishna (Retd I.A.S.)**

Date of hearing : 14<sup>th</sup> July 2022

Date of Order : 24<sup>th</sup> August 2022

## ORDER

This Representation is filed on 27<sup>th</sup> May 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

  
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6<sup>th</sup> April 2022 passed by the Consumer Grievance Redressal Forum, BEST Undertaking (the Forum).


2. The Forum, by its order dated 06.04.2022, dismissed the case by observing the following points: -

- a. *Multiple disputes raised by the Respondent No. 2 (Sufia Tahir Shaikh) about the ownership and occupancy of the Appellant in respect of Room No. 5.*
- b. *There is a dispute about genuineness of documents of sale of agreement dt.12.06.2019 as the sign on the agreement is not matching with that of the seller (Tahir Shaikh) when compared with the signature on his passport.*
- c. *There is also a dispute about complainant case made by the applicant Hasmatulla Rahamtulla Khan that, the electrical connection under A/C no. 781-711-073 (mtr. No. C056331) is not for R. No. 5. The complainant has not established that, there exists no such a connection for R. No. 5. In other words there exists electrical connection for R. no. 5 under a/c. no. 781-711-073 (mtr. No. C056331). In such a circumstance, if the BEST Undertaking has asked the complainant to produce the NOC of existing consumer of A/c. no. 781-711-073 and NOC of legal heir of the occupier or tenant is not illegal and unreasonable.*

## **Preamble**

### **Persons involved in the case: -**

- I. **Name of the Chawl** - Farzand Ali Chawl No. 3, Dharavi Main Road, Dharavi. The Chawl consists of 10 rooms and each room has an electricity connection.
- II. **Mrs. Shabnam Rafique** - the landlady of the Farzand Ali Chawl No. 3. She sold the Room No. 5 on 'pagadi' basis to Tahir Shaikh.
- III. **Hashmatulla Rahmatulla Khan (Appellant)** – The present occupier of Room No.5 who claims that he purchased the room from the late Tahir Shaikh, who was the original owner of Room No.5 on 'pagadi' system.
- IV. **BEST Undertaking (Respondent No.1)** – The Appellant has applied for a new electricity connection for Room No. 5. However, Room No.5 which is wrongly entered as Room No.6 in its record, already has an electricity connection No. 781-711-073 in the name of Anwar Shaikh, brother of Tahir Shaikh. Hence, a new connection cannot be released on the same premises. The Appellant has to apply for "change of name" and "correction in address" as per statutory requirements.


  
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- V. **Sufia Tahir Shaikh (Respondent No.2)** – Widow of Tahir Shaikh who has objected to the ownership of the Appellant. (Tahir Shaikh expired on 07.05.2021).
- VI. **Anwar Shaikh (Respondent No. 3)** - Younger brother of late Tahir Shaikh. Existing electricity bill of Room No.5 (wrongly shown as R.No.6 in the records) is in his name.

**Highlights: -**

- The Appellant, Hashmatulla Rahmatulla Khan, has applied for a new electricity connection on 08.09.2021 at Room No. 05, Farzand Ali Chawl No. 3 along with documents like i) Notarised Agreement for Sale, ii) Notarised Affidavit iii) Ration Card of Room No.4, iv) Aadhar card v) Rent Receipt vi) NOC from landlady of the chawl. However, this agreement is not registered, and is under dispute.
- A complaint was made to BEST Undertaking from Sufia Tahir Shaikh (widow of Tahir Shaikh) stating that, the ‘pagadi’ owner of the above said premise i.e. Tahir Shaikh had never sold the above said premises to the Appellant. Further she states that, the notarized sale deed and respective documents are forged documents.
- Accordingly, multiple site inspections were carried out by BEST Undertaking, and it was observed that, meter no. C056331 of A/c. No. 781-711-073 is already existing for Room No. 05 in the name of Anwar Shaikh (Wrongly mentioned as Room No. 6 in the electricity bill). Hence, Respondent No.1 issued a letter advising the Appellant to “get change of name” and “address correction”, by taking NOC from seller or their legal heir. Also, the landlady, Shabnam Rafique of above mentioned chawl has requested through letter dated 30.09.2021 to disconnect the meter no. C056331 of A/c. No. 781-711-073 standing in the name of Anwar Shaikh for Room No.5.
- The Appellant did not apply for change of name, but approached the Forum on 01.12.2021 requesting to give direction to Respondent No.1 for releasing a new connection on the strength of the Rent receipt in his name and his occupancy. During

  
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the hearing, when asked as to why he is not applying for change of name, the Appellant said that the owner's brother, Anwar Shaikh, is not willing to give NOC for the same. As Respondent No. 3, Anwar Shaikh was not present in the hearing to explain his reasons for not giving NOC. But from the overall arguments, it seems that there is a basic dispute about the legality or validity of the sale agreement.

- The details of the presently existing meters for all the rooms of Farzand Ali chawl no. 3 with their respective electricity bills are shown below:

Sr.No	Name	Existing Mtr. No.	A/c. No.	Remark
1	Nisarahmed	U166905	781711065	
2	Hajra Bano Safdar Ali	F060827	781711040	
3	Anwari Begam Abdul Hasan	B184930	781711036	
4	S.M.Yunus	F060140	781711101	Combined with Back Side Room
5	Shaikh Anwar M	C056331	781711073	Combined with Back Side Room
6	Mahemudin Nisa	B023151	781711039	
6A	Sayra Bano Mohd Azam Shaikh	E202452	781711048	
7	Iqbal Ahmad	U166904	781711033	
8	Omatunisa	C037874	781711014	
9	Abdul Hafeez	E023922	781711019	
10	Ali	A042844	781711011	

2. The Appellant filed this representation against the order of the Forum. The hearing was held physically on 14.07.2022. The Appellant, Respondent No.1, 2 were present and nobody was present on behalf of Respondent No. 3.


3. There is no consistency or clarity in the submission of the Appellant, hence, for better understanding, the submission dated 09.06.2022 of the Respondent No. 1, BEST Undertaking is presented here first:

  
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1) History of the case:

- 1.1 The Respondent received a letter from Sufia Tahir Shaikh on 31.08.2021 stating that the Premise having address R. No. 5, Farzand Ali Chawl No. 3, Gr. Floor, Dharavi Main Road is a disputed premise. As mentioned in this complaint letter, one Anwar Shaikh (her late husband's brother) had fraudulently changed the electric meter No. C056331, A/c. No 781-711-073 \*9 in his name, which was earlier in her husband's name Tahir Shaikh. This meter was installed for their room having address R. No. 5, Farzand Ali Chawl No. 3, Gr. Floor, Dharavi Main Road. After getting the change in name to Anwar Shaikh, he then changed the address to 6, Ground Floor, Farzand Ali chawl, Dharavi. Sufia Tahir Shaikh had asked for the documents which were submitted by Anwar Shaikh to Respondent No. 1 to get the said electric meter in his name. As the installation papers were not available in the office and also no record was found related to Mohd. Tahir Shaikh, the expired husband of Sufia Tahir Shaikh, a reply was given by Respondent No.1 to her vide letter ref no. SCCGN/CHN/DHARAVI/588/2021 dt. 01.12.2021.
- 1.2 Once again Sufia Tahir Shaikh submitted a letter Inward No. 663 on 09.09.2021 to Vigilance Department which was received at Dharavi Cell on 15.09.2021. In the letter she mentioned that Anwar Shaikh has stopped using Meter No. C056331 of A/c. No. 781-711-073, which is installed for R. No. 5, Farzand Ali Chawl No. 3, Gr. Floor, Dharavi Main Road. The electric supply through this meter is now being extended for R. No. 4, Farzand Ali Chawl No. 3, Gr. Floor, Dharavi Main Road, for which a Meter No. F060140, A/c. No. 781- 711-101 already exists. She took objection for the same. She further stated that, one of her tenants, **Hasmatullah Rahmatullah Khan**, staying at R.No. 5, Farzand Ali Chawl No. 3, Gr. Floor, Dharavi Main Road, is on heavy deposit and is trying to get a new electric connection/meter in his name. Sufia Tahir Shaikh asked to fix the meter in her name.

  
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- 1.3 Accordingly, an inspection was carried out by the investigation inspector and he found that Mr. Hasmatullah Rahmatuah Khan is living at R.No. 5, Farzand Ali Chawl No. 3, Gr. Floor, Dharavi Main Road, and is using electric supply through Meter No. C056331, A/c. 781-711-073. In the adjacent R. No. 4, one Mr.Mohd. Yunus Shaikh is living and electric supply to his premises is being used through meter no. F060140, A/c. No. 781-711-101.
- 1.4 On 08.09.2021, an online application no. 2109198059 was registered by **Mr. Hasmatullah Rahmatullah Khan** for the premises having address R. No. 5, Ground Floor, Chawl No. 3, Farzand Ali Chawl, Dharavi Main Rd., Dharavi 400017. For this ID no. 484303 was generated. After receiving the requisition, a site investigation was carried out as required, and the site report is placed on record. The site was visited twice. Both times supply to the applied premises was found from different sources/meters. The first time when the site was visited with prior intimation to applicant, supply was found from meter no. F060140, A/c. no. 781-711-101, which belongs to R. No. 4. The second time, on receipt of Sufia Tahir Shaikh's letter dated 09.09.2021, the premise was again inspected, and this time, supply was found from Meter No. C056331, A/c. 781-711-073.
- 1.5 The Respondent No.1, BEST Undertaking found the following discrepancies in the documents submitted: -
- (1) **Applied premises is R. No. 5. The Ration card belongs to R. No. 4 and does not belong to the applied premise,**
  - (2) **Aadhar card of the Appellant, Hasmatulla R. Khan issued on 17.02.2013 shows the same premises address which is supposed to be purchased in May 2019.**
  - (3) **Seller's (Mohd. Tahir Shaikh) signature is not there on every page of the notarized purchase document as required.**
- 1.6 During the hearing, it was further pointed out that not only is this sale agreement not registered, but the seller's signature also does not match with the signature on his passport.

  
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- 1.7 Further it is to be noted that M/s. Kay Bee Infrastructure has submitted a letter dated 15.09.2021 mentioning **‘not to sanction electric meter to any new consumer of Farzand Ali chawl, as the plot is under redevelopment’**.
- 1.8 It seems that, the Appellant may be misguiding /cheating Respondent No. 1, BEST Undertaking to get a new meter in his name, in order to establish his ownership or claim on the said premises, which is under redevelopment.
- 1.9 On 07.10.2021, a reminder was sent by Sufia Tahir Shaikh to Vigilance Department. Vigilance Department inspected the premise on 18.10.2021 and they found that the Meter No. C056331 is already working for Gr. Floor, R. No. 5, Farzand Ali Chawl No. 3. Accordingly, a reply was given by Vigilance Department vide their letter ref no. Vig(N)/Adm-21/583/2021 dt. 29.10.2021 sent by registered post.
- 1.10 As mentioned in para 1.2, 1.3 & 1.6, different investigation officers carried out inspections at different times. Three times electric supply to R. No. 5 was found from meter no. C056331, A/c. 781-711-073. One time the supply was found from meter no. F060140, A/c. no. 781-711-101 which belongs to R. No. 4, which seems to have been manipulated by the Appellant, Hasmatulla Rahmatulla Khan to misguide the officers of the Respondent No.1 to get another/separate meter. This is proved by the complaint letter dated 09.09.2021 received from Sufia Tahir Shaikh. It is clear that for R. No. 5, a meter already exists. As per Respondent No.1, BEST Undertaking’s procedure, if a premise already has electric supply/meter, then another meter for the same premise cannot be sanctioned. However, the existing meter can be changed in his name if the previous owner does not object. In view of this, ESL-9 was sent to the Appellant, and he was further informed to get a change of name and address correction by taking NOC from the seller or their legal heir. However, the Appellant is not able to get this NOC.
- 1.11 Appellant, Mr. Hasmatulla Rahmatulla Khan and his representative Mr. I. A. Shaikh filed a case with Forum on 01.12.2021. The Forum, by its order dated 06.04.2022 dismissed the case.

  
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2) The arguments of the Appellant along with counter arguments and our observations, are as follows: -


2.1 Mr. I. A. Shaikh stated that an NOC for a new meter is given by the previous owner Mr. Tahir Shaikh. However, it is seen that NOC for a new meter is not mentioned in the Sale Agreement as well as in affidavit. In the Affidavit, it is mentioned that NOC is given for **transfer** of electricity meter, not for a **new** meter. Thus, it seems that, the premises already has an electricity meter. But the applicant & his representative tried to hide this information and to mislead Respondent No.1. Also, an objection is raised by Sufia Tahir Shaikh regarding the validity of the sale agreement and affidavit itself. Hence, the Respondent No.1, BEST Undertaking has given ESL-9 advising to get a change of name & address correction by taking NOC from the seller or their legal heir.

2.2 It was clarified by the Respondent No.1, BEST Undertaking that the letter to disconnect meter no. C056331 of A/C No. 781-711-073 given by the landlady, Shabnam Mohd. Rafiq was not considered, because a third-party letter to disconnect any sanctioned meter cannot be considered, as long as the party pays the bills. Whether or not the party is the legal owner or not is not to be considered while providing electricity supply.

2.3 An issue arose that the Respondent No.1 did not follow MERC Rule 6.1, 6.3 and 9.2. The specified clauses pertain to inspection of domestic premises with prior intimation, and that no inspection shall be carried out after sunset and before sunrise. It is seen that the inspections were carried out with prior intimation and no inspection has been carried out after sunset and before sunrise.

3) Observations:

3.1 Requisition no. 484303 registered for a new connection by Mr. Hasmatulla Rahmatulla Khan for the address 05 III/A/0705, Gr. floor, Chawl No. 03, Farzand Ali Chawl, Dharavi Main Road, Mumbai – 400017 is for the

  
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premises which is disputed between the Appellant and Respondent No. 2, Smt. Sufia Tahir Shaikh (legal heir of Tahir Shaikh).

3.2 The said premise has meter No. C056331, A/c. no 781-711-073 \* 9 in the name of Anwar Shaikh (brother of previous owner Mr. Tahir Shaikh) proved from inspection from different officers of G/N ward and vigilance department.


3.3 Further, the landlady, Shabnam Mohd Rafique Shaikh has submitted a letter dated 29.09.2021, in which she has mentioned that Electricity Meter No.C056331, Consumer No.781-711-073\*9 stands in the name of Mr. Shaikh Anwar M. in respect of Farzand Ali Chawl No. 3, R. No. 5, (However, the address mentioned on the Electric Bill is R.NO.6. Gr. Flr., Farzand Ali Chawl. Dharavi Main Rd., Mumbai – 17.)

3.4 Many discrepancies were found in submitted documents like (1) Submitted Ration card belongs to R. No. 04 and not R.No. 5 which is the applied premise (2) Aadhar card of the Appellant issued on 17.02.2013 has the same address which is purchased later on May 2019. (3) Seller's signature is not there on every page of the purchase document. This document is not registered.

4) In view of the above facts, it is clear that this is a property dispute matter. There is a dispute between Respondent No. 2 and the Appellant regarding the premises having address R. No. 5, Ground Floor, Chawl No. 3, Farzand Ali Chawl, Dharavi Main Road, Dharavi 400017. For the said premises, a Meter No.C056331, A/c. 781-711-073 already exists. Hence, an additional meter cannot be sanctioned as per BEST Undertaking procedure for the said premises.

4. The Appellant's submission along with his arguments and others' counter arguments are stated in brief as under: -


(i) The Appellant argued that he has purchased a Room No.5 on 'Pagdi' basis at Chawl No. 3, Farzand Ali Chawl, Dharavi Main Road, Near Johnson and Johnson, Mumbai 400017 on 19.06.2019 from one Mr. Mohd. Tahir Shaikh, who was the brother of one Anwar Shaikh, on payment of Rs.30,00,000/- in cash. However,

  
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during the hearing, it was revealed that the sale deed is just notarised and not registered, and also there is no agreement, as required under the 'Pagdi' system, with the original landlady, Shabnam Mohd. Rafiq.

- (ii) The said Chawl is a private property owned by Shabnam Mohd. Rafique, the landlady. The Appellant argued that the said landlady has given her NOC vide letter dated 07.09.2021 for release of a new electricity connection in the Appellant's name in the said room. The Appellant argued that this means that she has accepted him as her legal tenant. Similarly, the sale agreement also mentions about the NOC for release of new electricity connection.
- (iii) Thereafter, the Appellant applied on 09.09.2021 to the Respondent No. 1 for a new electricity connection with load of 1 KW as per Regulation 5.6 of the Maharashtra Electricity Regulatory Commission (Electricity Supply Code, Standards of Performance of the Distribution Licensees and Power Quality) Regulations 2021 [Supply Code & SOP Regulations].
- (iv) The Respondent No. 1 by letter dated 05.10.2021 informed the Appellant that for the same room, another previous electricity connection (A/c. No. 781/711/073, Meter No. C056331) has already been given in the year 1991 in the name of one Anwar Shaikh. However, the Appellant can apply for "change of name" within 15 days along with the NOC from the concerned seller or his predecessor.
- (v) The Appellant states that he is not willing to apply for change of name, as he cannot obtain NOC from Anwar Shaikh, who is not cooperating for the same. Despite submitting the sale agreement where the clause of electricity connection is clearly given, and the NOC from the landlady, the Respondent No.1 is hesitating to give supply and advising for change in name.
- (vi) Respondent No. 1, in its submission, has wrongly mentioned Room No. 6 which is actually Room No. 5.
- (vii) The Appellant then filed his grievance with the Forum on 01.12.2021. The Forum, by its order dated 06.04.2022 has dismissed the grievance, there being multiple disputes about ownership and occupancy raised by the parties in litigation in respect of Room No. 5.

  
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- (viii) The said room has been inspected thrice. However, as per Regulation 6.1, 6.3 and 9.2, the consumer was not informed of the site inspections, nor was any signature of the consumer or any of the representatives taken on that date and at that time.
- (a) The first site inspection date has not been brought in the Forum's order. In this visit, the Respondent has mentioned Consumer No. 781/711/101, Meter No. F060140, source of supply from Room No.4 to Room No.5.
- (b) The second site inspection was on 24.09.2021. Here, the Respondent mentioned Consumer No. 781/711/039, Meter No. C056331, source of supply is the Room No.5 itself.
- (c) The Forum has not given any order for common inspection nor called for the installation papers of Consumer No. 781/711/073 and 781/711/101. If it had done so, the case would have been clear by now.
- (d) If the two departments of the Respondent had done the inspection together, then the picture would have become clear.
- (e) The landlady had requested by a letter to the Respondent to disconnect the Consumer No.781/711/039, Meter No. C056331. Similarly, by another letter, she had also informed that Anwar Shaikh is not her legal tenant and hence, the meter given by the Respondent, ought to be removed.
- (ix) The Respondent No. 1, BEST Undertaking, on 23.03.2022, submitted a sketch which shows that the existing Meter No. C056331 and the application for a new connection relates to the same premises / room. Here also the consumer was to be informed in advance by the Respondent for site inspection, which was not done and no signature was taken on the inspection papers.
- (x) Respondent No. 2, Sufia Tahir Shaikh submitted that she, being the wife and widow of Tahir Shaikh does not agree with the claims of the Appellant. The agreement done regarding the said room is wrong. Similarly, the alleged payment of Rs.30,00,000/- in cash at that time is also not accepted by her and is doubtful. In this respect, she has already registered a complaint at the concerned police station, and is also going to file a criminal & civil case in the Court of Law. She argued that the signature of Tahir Shaikh on his passport and that on the agreement


  
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differs. Since Tahir Shaikh, himself, has expired, we cannot confirm his signature, and the possibility of a fraudulent agreement cannot be ruled out.

- (xi) Here it is important to mention that the Forum has not tested or verified both the signatures from any expert, nor was the original passport submitted before it.
- (xii) The Appellant, on the other hand, claimed that till date, the Respondent No. 2, Sufia Tahir Shaikh, has not filed any case anywhere nor has any complaint at the police station been registered as FIR, which means the case does not have any value. Similarly, she herself has not given any proof of being the wife of Tahir Shaikh, since the ration card of Tahir Shaikh submitted before the Forum does not have her name.
- (xiii) The Respondent No. 3, Anwar Shaikh submitted that Room No.5 was completely in the name of Mohd. Tahir Shaikh and no fraud was done in this case.
- (xiv) The Appellant also submitted that until a new electricity connection is released in his name, one Azim Khan, on humanitarian grounds has supplied electricity to him.
- (xv) In view of the above, the Appellant has prayed that -
  - (a) Not to consider the sketch / map of Respondent No. 1, BEST Undertaking which was submitted on 23.03.2022.
  - (b) Not to consider the remark given by the Forum regarding the sale agreement being suspicious, since it is beyond its jurisdiction.
  - (c) The Forum has not given direction for site inspection and did not call for the installation papers of Consumer No. 781/711/073 and 781/711/101, otherwise the case would have been clear.
  - (d) The signature on the passport and on the agreement has not been verified by any expert, as to whether it matches or not.

5. The Respondent No. 2, Sufia Tahir Shaikh submitted her say on 15.06.2022 which is nothing but what has already been elaborated above, except that she has attached documents showing her legal status of being the wife (and widow) of Tahir Shaikh.

  
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6. The Respondent No. 3, Anwar Shaikh, brother of Tahir Shaikh, by letter dated 21.02.2022 addressed to the Secretary, CGRF BEST Undertaking is on record which is stated as below:

- (i) The Respondent No. 2 has complained against Respondent No.3 and requested for disconnecting the meter which was in her husband, Tahir Shaikh's name, and installing a new meter No. C056331 with Consumer No. 7817110739.
- (ii) As per the record, the Respondent No. 3 has installed the meter in his premises which is R. No. 4, Chawl No. 3, Farzand Ali Chawl, Dharavi, in the house as R.No.6 with mutual understanding amongst the brothers as subdivision.
- (iii) As per the record, the R.No.4 belongs to five brothers on 'Pagadi' basis:-
  - a. Mohammed Tahir Shaikh
  - b. Mohammed Yunus Shaikh
  - c. Mohammed Ayub Shaikh
  - d. Mohammed Anwar Shaikh – the disputed meter is in his name.
  - e. Mohammed Sarwar Shaikh

The landlady's (Shabnam Mohd. Rafique) receipt is issued in the name of Yunus Shaikh & Brothers, son of Yunus Shaikh. This is the reply to the letter dated 30.09.2021 given by the landlady stating that Respondent No. 3, Anwar Shaikh is not her tenant.

- (iv) As per record, R.No.5, Chawl No. 3 was wholly in the name of Mohammed Tahir Shaikh which he had purchased in his name, on 'pagadi' basis.
- (v) As per the reply from Respondent No. 1 to Respondent No.2 that there are no installation papers available in the office, and also no record is found related to the meter in the name of Mohammed Tahir Shaikh, therefore, it is clear that there is no fraud done by Respondent No.3.
- (vi) As per the conclusion judgment, R.No.5 already has the Meter No. C056331 existing. It is to be noted that Respondent No. 3 is not staying in the premises, hence this meter has been rotated from R. No. 4 to R. No. 5 by the Appellant without the knowledge of Respondent No. 3. The Respondent No. 3 has disconnected his line many times when present in Mumbai, but once he leaves Mumbai, the Appellant is back in action. One Azim Khan staying in the same

  
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chawl had requested Respondent No. 3 to give the Appellant a temporary connection on humanitarian grounds until he gets a new connection.

- (vii) Respondent No. 3, Anwar Shaikh states that this dispute is between the Appellant and Respondent No. 2, Sufia Tahir Shaikh regarding Room No. 5 and hence he requests the Respondent No. 1, BEST Undertaking to protect his Meter No. C056331, Consumer No. 781/711/739, and to exclude him from this matter.

### **Analysis and Ruling**

7. Heard the parties and perused the documents on record. The Appellant apparently purchased the 'pagadi' property, Room No.5 at Chawl No. 3, Farzand Ali Chawl, Dharavi Main Road, Near Johnson and Johnson, Mumbai 400017 on 19.06.2019 from one Mr. Mohd. Tahir Shaikh, the 'pagadi' tenant, on payment of Rs.30,00,000/- in cash. This seems to have been done without the consent of the original landlady, Shabnam Mohd. Rafique, since she is objecting to giving an electric connection in the Appellant's name. Thereafter, the Appellant submitted an application on 09.09.2021 to Respondent No.1 for a new electricity connection in his Room No. 5. The Respondent No. 1 by its letter dated 05.10.2021 informed the Appellant that for the same room, an electricity connection (A/c. No. 781/711/073, Meter No. C056331) has already been given in the year 1991 in the name of Anwar Shaikh. However, as per the Respondent No. 1 record, this connection is given to Room No. 6. During the hearing, the Respondent No. 1 stated that this was a bonafide mistake, and that the Appellant is trying to take advantage of this mistake. The Respondent No. 1 has inspected the premises several times and have also drawn a sketch / map of the said Chawl No. 3, Farzand Ali Chawl, Dharavi where the said premises exist. This sketch was produced in the hearing, and it shows which meter supplies electricity to which premises. The Respondent No. 1 has refused releasing a new connection to the Appellant; however, it has given an option to the Appellant to apply for change of name within 15 days along with the NOC from the concerned seller or his predecessor. The Appellant, however, is not willing or able to do so, as the seller's brother, Anwar Shaikh is not willing to give the NOC.

8. Also, there is an objection from Respondent No. 2, wife of late Mr. Mohd. Tahir Shaikh for releasing connection to the Appellant. She reiterates that the electricity connection was in

  
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her husband's name which was fraudulently transferred by Respondent No. 3, her husband's brother, in his name. She also alleges that the sale agreement of the said premises is fake, and the signature of her husband on the sale agreement does not match with the signature on his passport.

9. As seen from the records, the said Chawl No. 3 is actually owned by one Shabnam Mohd. Rafique and she issues rent receipt to the people staying there on 'pagadi' basis as per their respective rooms. This means that the rooms are rented on Pagdi System. Hence, there is no question of rooms being sold by one tenant to another, and such type of sale will not be legal.

10. The case prima facie appears to be complicated in nature and the representation requires consideration of elaborate documentary and oral evidence to determine whether the sale agreement of the premises is valid. Therefore, we are of the view that the Electricity Ombudsman is not an appropriate authority for adjudication of such representations. The case needs to be thoroughly investigated and adjudicated by the appropriate authority dealing with civil property disputes.

11. Further, the Respondent No. 1 has submitted in its reply that it has received a letter from M/s. Kay Bee Infrastructure mentioning 'not to sanction electric meter to any new consumer of Farzand Ali chawl no. 3 as the plot is under redevelopment. This important and relevant fact indicates that many parties may be trying to establish their claim to the premises, in order to get benefit under redevelopment. It cannot be ruled out that some parties may try to establish their right through getting an electric connection in their name. This aspect (of who had an electric connection in his name) is generally considered as an important piece of evidence while establishing who gets a right to a room after redevelopment. Many people like the Appellant may have their own interest in owning a premise in the heart of a metro city like Mumbai, such as purchasing a room for quite a small amount in a dilapidated building which will go for redevelopment in future, and they would get bigger premises without any further cost. It cannot be ruled out that an individual may try to get the premises in his name by trying for an electricity connection in that premises in his name. This would strengthen his claim when the building is under redevelopment.

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai





12. In view of the above, the Forum has rightly dismissed the case, there being existence of multiple disputes about ownership and occupancy raised by the parties in litigation in respect of Room No. 5, and hence, we hold that this Authority does not have jurisdiction to adjudicate such civil type of matters. The litigants therefore to approach the appropriate authority.

13. The representation is rejected and disposed of accordingly.

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



(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai

