

**BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)**

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

REPRESENTATION NO. 178 OF 2019

In the matter of change of name

Shri Ramji Parasnath Tripathi ..... Appellant

V/s.

Maharashtra State Electricity Distribution Co. Ltd. Virar (MSEDCL) ..... Respondent No.1

Mrs. Neelam C. Singh Rajkumar ..... Respondent No.2

Appearances

For Appellant : Shri Ramji Parasnath Tripathi

For Respondent No.1 : N. C. Sankhe, Addl. Ex. Engineer, MSEDCL

For Respondent No.2 : C. P. Singh Rajkumar, Representative

**Coram: Mr. Deepak Lad**

Date: 15<sup>th</sup> November 2019

**ORDER**

This Representation is filed on 20<sup>th</sup> September 2019 under Regulation 17.2 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (CGRF Regulations) against the order dated 28<sup>th</sup> August 2019 passed by the Consumer Grievance Redressal Forum, MSEDCL, Kalyan Zone (the Forum).

2. The Forum, by its order dated 28<sup>th</sup> August 2019 has allowed the grievance application in Case No. 157/1864 of 2018-19 and the operative part of the order is as below: -

- “2) *MSEDCL to grant supply connection to Mrs. Neelam C. Singh To The Premises 402, Laxmi Chhaya C.H.S.Ltd., Building No. A-06, Blossom Complex, Shirdi Nagar, Achole, Nalasopara (E), Tal. Vasai, Dist. Palghar, Pin Code-401209 forth with.*
- 3) *In case there is already a connection existing in the said premises it be transferred in the name of Mrs. Neelam C. Singh forth with.”*

3. Not satisfied with the order of the Forum, the Appellant has filed this representation stating as below: -

- (i) The Appellant is residential consumer (No.001900985980) at Flat No. 402, Laxmi Chhaya Apartment, Building No. A-06, Blossom Complex, Shirdi Nagar, Achole, Nalasopara (E), Tal. Vasai, Dist. Palghar from 02.11.2004.
- (ii) The Respondent No.2, Smt. Neelam Singh and her husband Shri C.P. Singh applied for change of name of electricity connection (Consumer No.001900985980) from the Appellant to the Respondent No.2 based on forged documents and trying to grab his said flat. The Respondent No.2 also applied with ill intention for change of name in Property Card in Vasai Virar City Municipal Corporation (VVMC). The Appellant had friendly relation with the Respondent No.2 and her husband in past and hence allowed to use the said flat on temporary basis. Taking advantage of this, the Respondent No.2 is trying to grab the said flat based on the forged documents and further trying to change the name of the meter connection.
- (iii) The First Information Report (FIR) has been filed in Police Station for forgery and cheating against Respondent No.2. The FIR has also been filed by Sub Registrar for fraudulent registering documents. There are many cases lodged against Respondent No.2 towards fraudulent documents.
- (iv) The Appellant has never obstructed to the Respondent No.2 for use of electricity. The case with respect to the flat is sub-judice before the Court.
- (v) The Respondent No.2 has made an application for new connection in MSEDCL. However, MSEDCL did not sanction the new connection. The Respondent No.2 approached the Forum without knowledge of the Appellant for new connection or change of name of the electricity connection in respect of the said flat.
- (vi) The Forum, by its order dated 24.04.2019 has directed Respondent No.1 to grant supply connection to Respondent No.2, Mrs. Neelam C. Singh in the said premises and in case there is already a connection existing in the said premises, it be

transferred in the name of Mrs. Neelam C. Singh forth with as per Regulation. However, the Appellant was not party to this proceeding in the Forum.

- (vii) The Appellant approached the Electricity Ombudsman Mumbai on 10.06.2019 against the order of the Forum. The Electricity Ombudsman Mumbai vide its order dated 19.07.2019 in Representation No. 125 of 2019 has remanded the matter to the Forum for de novo hearing.
  - (viii) The Forum, by its order dated 28<sup>th</sup> August 2019 has allowed the grievance application of the Respondent No.2 on wrong assumption. The Forum did not understand the basic issue of ownership and hence the order deserves to be quashed.
  - (ix) The Appellant prayed that no new connection shall be released, nor any change of name be done till the decision of appropriate Court on issue of ownership of flat.
4. The Respondent No.1, in its reply dated 03.10.2019 has stated as below: -
- (i) The Appellant is residential consumer (No.001900985980) from 02.11.2004 at flat No. 402, Laxmi Apartment, Building No. A-06, Blossom Complex, Shirdi Nagar, Achole, Nalasopara (E), Tal. Vasai, Dist. Palghar.
  - (ii) The Respondent No.2 Neelam Singh has made an application for change of name from Ramji Parasnath Tripathi (Appellant) to Smt. Neelam Singh (Respondent No.2) on 25.09.2009 along with agreement for sale of the said flat dated 25.04.2008 and Receipt of Franking No.78541, Occupancy Certificate and No Objection Certificate.
  - (iii) The Respondent No.1 has sanctioned change of name in the name of Respondent No.2, Neelam Singh in March 2010.
  - (iv) The Appellant had taken objection for change of name and submitted the related documents. Hence, the Respondent No.1 has cancelled the change of name and reverted name to original name i.e. Ramji Parasnath Tripathi.
  - (v) Meanwhile, the Respondent No.2 has applied for new service connection against the same address / premises along with Agreement for Sale Deed dated 25.04.2008 and receipts of franking having Serial No.78541. The Appellant, by its letter dated 25.09.2009 has taken objection and informed the Respondent No.1 that the sale agreement is a fraudulent document.

- (vi) The Appellant filed case in Nalasopara Police Station which is registered by Case No.356/2012.
- (vii) During the scrutiny of Agreement for Sale Deed dated 25.04.2008, it is revealed that the date of franking is 11.08.2009, however, the agreement was registered on 18.11.2009. The signature of Appellant differed with his routine signature on correspondence with the Respondent No.1.
- (viii) In Statutory Form of X, Y and Z filled by the Respondent No.2 for change of name, there is signature of Shri C. P. Singh as Present Owner instead of Shri Ramji Parasnath Tripathi. The alleged documents were attested by Smt. Sangita Tryambakeshwar Lad as Special Executive Officer, Government of Maharashtra which Smt. Lad has confirmed on 24.09.2009 in her statement given to Sub Divisional Police Officer, Palghar Division during the enquiry of the case.
- (ix) There are various cases filed by both Appellant and Respondent No.2 against each other which are either under litigation / investigation.
- (x) The Respondent No.1 has filed Police Case against the Respondent No.2 on 01.06.2017 for submission of fraudulent Documents.
- (xi) The application for change of name was rejected. The Respondent No.2 approached the Forum either for new connection or for change of name from existing consumer to her name. As per the order of the Forum, the change of name was done in the name of Neelam Singh in place of Ramji Tripathi.
- (xii) Therefore, the Respondent No.1 prayed for appropriate direction in the matter.

5. The Respondent No.2, in her reply dated 03.10.2019 has stated as below: -

- (i) The Respondent No.2 is occupier and owner of the premises of Flat No. 402, Laxmi Chhaya CHS Ltd., Building No. A-06, Blossom Complex, Shirdi Nagar, Achole, Nalasopara (E), Tal. Vasai since 2004 as she has purchased this property from the Appellant, Ramji Parasnath Tripathi. Initially, the electric connection was in the name of the Appellant and was remained on Appellant's name from 2004 to 2009, but he has never claimed as user or he is neither in possession of the said property nor paid electricity bill since 2004 till date.
- (ii) The Respondent No.2 applied change of name from Appellant, Ramji Tripathi to Respondent No.2 in the year 2009. The change of name was approved and executed in the name of Respondent No.2. The Appellant made complaint in MSEDCL

against the change of name producing fraudulent documents and started blackmailing the MSEDCL Authorities. The MSEDCL has not gone in details in grievance and reverted the change of name in his name.

- (iii) There are various complaints pending against the Appellant in Police Station towards blackmailing the staff of MSEDCL.
- (iv) The Respondent No.2 filed the Grievance application for change of name in Internal Grievance Redressal Cell (IGRC), and then approached the Forum. The Forum by its order dated 24.04.2019 has directed as below: -
  - “1) The Grievance application of consumer is allowed.*
  - 2) MSEDCL to grant supply connection to Mrs. Neelam C. Singh to the Premises 402, Laxmi Chhaya C.H.S. Ltd., Building No. A-06, Blossom Complex, Shirdi Nagar, Achole, Nalasopara (E), Tal. Vasai, Dist. Palghar, Pin Code-401209 forth with.*
  - 3) In case there is already a connection existing in the said premises it be transferred in the name of Mrs. Neelam C. Singh forth with as per regulation.”*
- (v) However, the Appellant approached the Electricity Ombudsman against the order of the Forum dated 24.04.2019. As per direction of the Electricity Ombudsman by order dated 19.07.2019 in Representation No. 125 of 2019, the Case (No. 157/1864 of 2018-19) was again heard in the Forum. The Forum, by its order dated 28.08.2019 has allowed the grievance application of the Respondent No.2.
- (vi) The Appellant has given Power of Attorney in respect of the said flat No. 402. The Power of Attorney is irrevocable and cannot be revoked without order of Civil Court. Deputy Registrar of Cooperative Society, Vasai passed appropriate orders on 11.10.2010 and 12.11.2012. The Sub Registrar, Vasai 3 also informed to Addl. Ex. Engineer Achole and clarified that document No. 11965 / 2009 is registered and it has not been cancelled. The Respondent No.2 had purchased the Flat No. 402 from the Appellant in the said building and also resides in the same premises and registered with full and final payment to the Appellant.
- (vii) The allegation of fabricated agreement was raised by the Appellant. However, Appellant never filed any suit before the Civil Court.
- (viii) There are various FIRs lodged against the Appellant in various cheating cases. This clearly establishes that the Appellant is a habitual offender and submits forged / fabricated documents / papers before several authorities.
- (ix) The Appellant is changing day to day his statement and hence it cannot be believed for the purpose of record.

(x) The Respondent No.2 prayed that the representation of the Appellant be rejected.

6. The hearing was held on 10.10.2019 wherein all the parties argued in line with their respective submissions. Appellant, Mr. Tripathi and the representative of Respondent No.2 (Smt. Neelam Singh) levelled serious allegations of fraudulent way of working against each other.

7. The Appellant further informed through its submission which is received in the office of the undersigned on 11.11.2019 that Miscellaneous Criminal Application No. 1169 of 2019 - RCC1487/2017 in C.R. No.356 /2012 in C.R.No.94/2016 has filed before the Hon'ble Judicial Magistrate First Class at Vasai, District Palghar against Mr. Chandraprakash Kesari Prasad Singh and Mrs. Neelam Chandraprakash Singh in respect of flat No. 402 of Laxmi Chhaya CHS, Blossom Complex, Shirdi Nagar, Nalasopara (East) for various reliefs such as protecting the said flat, appointing the court commissioner, accused not to create any third party rights, and investigation by Police.

8. On perusal of the record, it is seen that there are FIRs, complaints and cross complaints between the Appellant and Respondent No.2.

9. On thorough examination of all records including order of the Forum and the arguments during the hearing, I noticed that the Appellant has levelled serious charges of fraud against Respondent No. 2. Some of them are as below: -

- (a) Sub Registrar has filed FIR against Respondent No.2 for fraudulently registering the documents of the said flat on the basis of false power of attorney.
- (b) Allegations of submission of fake documents to grab the flat owned by the Appellant while applying for change of name / release of new connection with Respondent No.1.
- (c) The Appellant claims to have lodged FIR against Respondent No.2 for forgery and cheating.
- (d) The Appellant claims that the Respondent No.1, MSEDCL has also filed Police Case against the Respondent No.2, Smt. Neelam Singh on 01.06.2017 for submission of fraudulent documents.

- (e) The Appellant claims that the VVMC has also filed FIR against the Respondent No.2, Smt. Neelam Singh for submission of fraudulent documents in connection with property tax.
- (f) The Appellant claims that the notary and special executive magistrate has given statement to the police that they did not attest the agreement of sale.

10. The Respondent No. 2 in her reply submitted that the connection was in the name of the Appellant from 2004 to 2009 but he has never claimed as user or he was not in possession of the said flat and therefore never paid electricity bill since 2004. The electricity bill between 2004 and 2009 was paid by her husband. The connection was transferred in her name in 2009-10 however it was again changed in the name of the Appellant through misleading / confusing and blackmailing tactics played by the Appellant with MSEDCL by producing bogus fabricated documents. Addl. Executive Engineer, Mr. Nitin Pabekar also filed FIR No. 406 of 2013 under Section 420, 465, 467, 468, 469 and 471 of IPC against the Appellant and MSEDCL employee- Mr. Pagare. Dy. Registrar has issued orders on 11.10.2010 and 12.11.2012 in her favour. These orders are with respect to the said flat.

11. From the above, it is seen that there are allegations and counter-allegations apart from filing of FIRs by both Appellant and Respondent No.2 against each other. Not only this, even Respondent No.1 has filed FIR against Respondent No.2 and even other Government agencies have also filed FIR in this case with respect to the documents relating to the said flat.

I also noted that the Appellant had executed power of attorney in favour of the Respondent No.2. It indicates that there was some business relation or otherwise between the Appellant and the Respondent No.2. This relation going sour, the dispute started emerging with allegations and counter-allegations against each other which ultimately resulted into filing of FIRs by both the parties against each other and the matter has become worst.

In view of this, it is felt that the matter is complicated in nature and the representation requires consideration of elaborate documentary and oral evidence and the proceedings before the Electricity Ombudsman are not appropriate for adjudication of such representations. The case therefore needs to be thoroughly investigated and adjudicated by the appropriate authority.

12. I, therefore, reject this representation on the above grounds in exercise of the powers vested with the Electricity Ombudsman as per Regulation 17.10 (d) of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006. The said regulation is quoted below: -

*“17.10 The Electricity Ombudsman may reject the representation at any stage if it appears to him that the representation is:*


*(d) complicated in nature such that the representation requires consideration of elaborate documentary and oral evidence and the proceedings before the Electricity Ombudsman are not appropriate for adjudication of such representations.*

*Provided that the decision of the Electricity Ombudsman in this regard shall be final and binding on the consumer and the Distribution Licensee.*

*Provided that the Electricity Ombudsman shall be rejected in respect of sub-clauses (a), (b), (c) and (d) unless the applicant has been given an opportunity of being heard.”*

13. The representation is disposed of accordingly.

Sd/-  
(Deepak Lad)  
Electricity Ombudsman (Mumbai)

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai

