

# BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

## REPRESENTATION NO. 41 OF 2024

In the matter of Change of Name

Church of Christ Pentecost..... ..Appellant

V/s.

Maharashtra State Electricity Distribution Co. Ltd Vasai..... Respondent No.1

Simon Manvel Ghonsalves.....Respondent No.2

Appearances:

Appellant: 1. Joseph Misquitta, Trustee  
2. Denis I. Andrandes, Member  
3. Basuraj S.P., Representative

Respondent No. 1: 1. Pravin Sute, Executive Engineer  
2. Krishnakant Zarkar, Addl. Ex. Engineer  
3. Archana Sawant, Asst. Accountant

Respondent No. 2: 1. Simon Manvel Ghonsalves  
2. Silvan R. D'silva, Representative

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

Date of hearing: 10<sup>th</sup> April 2024

Date of Order : 29<sup>th</sup> April 2024

## ORDER

This Representation was filed on 18<sup>th</sup> January 2024 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 5<sup>th</sup>



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January 2024 in Case No. 57 of 2023 passed by the Consumer Grievance Redressal Forum, Vasai (the Forum). The Forum partly allowed the grievance with its operative order as below:

- “2. Respondent is directed to reinstate connection in the name of original consumer (i.e. Manvel Simon Ghonsalves.
3. The Respondent is directed to submit a compliance report to this Forum within two months of this order.
4. No order to the costs.”

#### PREAMBLE


Simon Manvel Ghonsalves, the son / successor of the consumer, Manvel Simon Ghonsalves (Consumer No. 001770030419 and 001771270553) had filed a grievance with the Forum against MSEDCL regarding change of name on 14.09.2023. [Note: This Consumer is now Respondent No.2 in the present case.]

The details of these two connections are as follows:

Table 1:

Sr. No.	Name of Consumer	Consumer No.	Date of Supply	Category	Address in Bill	Date of Change of name Application	Change of Name from old name to New Name	Change of name approved	Change of name effected in bill
1	Manvel Simon Ghonsalves	001771270553	13.05.1989	Res.: 1 phase	Chawadi, Vasai Sandor	18.05.2022	Manvel Simon Ghonsalves to Church of Chirst Pentecost	27.06.2022	Jul-22
2	Manvel Simon Ghonsalves	001770030419	26.03.1995	Res.: 3 phase	Umelphatak, Vasai Sandor 401201	27.06.2022	Manvel Simon Ghonsalves to Church of Chirst Pentecost	27.06.2022	Jul-22

These connections were in the name of Simon Manvel Ghonsalves’s late father, Manvel Simon Ghonsalves who had 5 children including Simon Manvel Ghonsalves. He has objected to the change of name done in the name of “Church of Christ Pentecost” without any no objection

  
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certificate from him, his brothers and sisters. He prayed before the Forum to reinstate the original consumer's name as Manvel Simon Ghonsalves, to take strict action against the guilty officials, and to compensate for mental distress caused.

The Forum made the Church of Christ Pentecost as a party to its proceedings, being the affected party. The Forum heard all the parties at length and passed the order in favour of Manvel Ghonsalves as mentioned in the introductory paragraph above.

2. The affected party, the Appellant herein (Church of Christ Pentecost), being aggrieved with the above order of the Forum, has filed the present representation. *[Note: At present, Church of Christ Pentecost is the consumer due to change of name.]* A physical hearing was held on 10<sup>th</sup> April 2024 where all the parties were heard at length. The Appellant's submissions and arguments are stated as below: -

- (i) The Appellant -Church of Christ Pentecost, Vasai is a registered Trust (No.D-66 THANE / D-33 PALGHAR) from 16.11.1989. The Chairman at that time was Simon Manvel Ghonsalves (expired on 24.05.2000). The Trustees are seven members.
- (ii) The proposed Trust had applied for a plot of land (around 20 Gunthas) in the year 1983 for the purpose of a burial ground. The plot was donated by the Government of Maharashtra to the Trust on 11.04.1983 for the said purpose. The related document states as follows: -

  
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मं नि. माणिकपूर यांचा अहवाल क्र. २४० दि. ८/३/८३  
आदेश -

ज्याअर्थी मं नि. माणिकपूर ता. वसई यांनी त्यांचे कडील वरील क्रमांकाच्या अहवालाने कळवले आहे की, मौजे - सांडोर पेंटेकॉस्ट पंथाच्या लोकांसाठी गावी दफनभुमी नाही आणि मं नि. माणिकपूर यांनी मौजे - सांडोर येथिल सं. नं. २९५ पैकी मधील क्षेत्र ०. २० ही जमीन स्मशानभुमी / दफनभुमी जाहीर करणे बाबत अहवाल सादर केला आहे.

त्याअर्थी मा. रा. भुस्कुटे तहसिलदार वसई, महाराष्ट्र जमीन ६६ महसुल अधिनियम १९६६ च्या नियम २२, अधिकारांचा वापर करुन आदेश देतो की, मौजे - सांडोर येथिल सं. नं. २९५ पैकी मधील क्षेत्र ०. २० हि जमीन मौजे - सांडोर गावासाठी पेंटेकॉस्ट पंथासाठी दफनभुमी म्हणून जाहीर करुन त्या प्रमाणे गावची दफ्तरी नोंद.

- (iii) The Trust then applied to MSEB (now MSEDCL) for an electricity connection in the name of the Chairman i.e. Simon Manvel Ghonsalves which was subsequently released in the year 1989 (Con. No. 001771270553). The data of the connection is tabulated in Table 1.
- (iv) A written application on the letterhead of the Trust dated 12.04.1994 was given to MSEB for another 3-phase electricity connection. This connection was also taken in the name of the Chairman i.e. Simon Manvel Ghonsalves on behalf of the Church of Christ Pentecost (the Trust). The said connection was released in the year 1995 (No. 001770030419). The details of the connection are tabulated in Table 1.
- (v) A resolution was passed on 07.03.1999 during a meeting of the Board of Trustees of the Church / Trust under the chairmanship of Simon Manvel Ghonsalves that the name of the institutions' assets should be renamed in the name of "Church of Christ Pentecost".
- (vi) Simon Manvel Ghonsalves expired on 24.05.2000 and another trustee, Richard Thomas D'Silva expired in Feb.2022. On 22.08.2022 a resolution was passed to update the names of the trustees (due to the demise of Simon Manvel Ghonsalves and Richard Thomas D'Silva) on gharpatti, electricity bills and 7/12 extract, and to change the name of five other plots at different locations belonging to the Trust. At present, there is no elected Chairman of the Trust. [Note: Source of income is through donations.] The resolution was

  
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passed to apply for a change of name on Gharapatti, Light Bills and 7/12 Abstracts of various properties of the Trust.

- (vii) Accordingly, applications were submitted for change of name from “Manvel Simon Ghonsalves” to “Church of Christ Pentecost” on the electricity bills, which were duly accorded by Respondent No. 1 as tabulated in Table 1. These applications were in line with the resolutions passed by the Board of Trustees of the Church dated 07.03.1999 and 22.08.2022.
- (viii) The Appellant – Church / Trust are paying the electricity bills from the Trust bank account since it took the connections. The bank statement is also kept on record.
- (ix) **As this property belongs to the Trust, no permissions are required from the Successor in Law of the ex-chairman.**
- (x) The Respondent No. 2, Simon Manvel Ghonsalves filed the grievance in the Forum on 14.09.2023 for cancellation of the change of name from “Manvel Simon Ghonsalves” to “Church of Christ Pentecost”. The Forum by its order dated 05.01.2024 allowed the grievance application. The operative part of the order is already quoted in the First Para. The Forum failed to understand that the plot was donated by the Government of Maharashtra to the Trust on 11.04.1983 for the purpose of a burial ground. It is the Trust’s property, and the connections were taken in the name of Manvel Simon Ghonsalves as Chairman of the Trust. He does not own this property personally.
- (xi) The Appellant prays that the Respondent No. 1 be directed to continue the name of Church of Christ Pentecost for the consumer No. 001770030419 and 001771270553.


3. Respondent No.1, MSEDCL has filed its reply dated 8<sup>th</sup> April 2024. Its submissions and arguments are stated as below: -

- (i) The Appellant is a registered Trust having two connections (No. 001770030419 and 001771270553) under Vasai Urban subdivision which were originally released in the name of Manvel Simon Ghonsalves, the ex-Chairman as shown in Table 1 of Para 2.

  
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- (ii) The ex-Chairman, Manvel Simon Ghonsalves passed away on 24.05.2000. Applications for change of name from Manvel Simon Ghonsalves to Church of Christ Pentecost were submitted by the Appellant on 18.05.2022 and 27.06.2022 for consumer no. 001771270553 and consumer no. 001770030419 respectively along with the following documents:
- (a) The resolution dated 11.04.1983 of the Tahasildar, Vasai regarding allocation of the said land to Pentecost religion for burial ground.
  - (b) Minutes of the meeting of the Board of Trustees of the Church of Christ Pentecost dated 07.03.1999 under the chairmanship of Manvel Simon Ghonsalves, wherein a resolution was passed that the institutions' assets should be renamed in the name of the Appellant Trust i.e. Church of Christ Pentecost.
  - (c) No Objection Certificate for construction on the said premises which was given in the name of the Appellant – Church / Trust by the Sarpanch, Grampanchayat Sandor in the year 2002.
  - (d) The 7/12 extract of the property (This document also mentioned that the said land is for a burial ground for the people from Pentecost religion.)
- (iii) Hence, the change of name applications were approved by Respondent No.1, MSEDCL on 27.06.2022 for both the electric connections and effected in the bills of July 2022. The process of change of names was purely on merit.
- (iv) Simon Manvel Ghonsalves, the Respondent No. 2 in the instant case and the successor of the late Manvel Simon Ghonsalves, ex-Chairman of the Trust filed a grievance in the Forum on 14.09.2023 for cancellation of the change of name from “Manvel Simon Ghonsalves” to “Church of Christ Pentecost”, on the ground that these changes of names were done without the permission of his and his siblings. The Forum by its order dated 05.01.2024 allowed the grievance, directing to reinstate the connections in the name of the original consumer i.e. Manvel Simon Ghonsalves.


  
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- (v) Respondent No. 2 was asked to submit any legal documents regarding the ownership of the premises, but the Respondent No. 2 could not submit any such documents. The only available document was the Gharpatti.
- (vi) However, an application from the representative of the Appellant – Church / Trust was received on 30.01.2024 requesting not to reinstate the connection in the name of the original consumer, as an appeal has been filed against the order dated 05.01.2024 of the Forum before the Electricity Ombudsman (Mumbai).
- (vii) The Respondent No. 1 prays to decide the case on merit which will be obeyed by them.

4. The Respondent No. 2, Simon Manvel Ghonsalves filed his say on 10<sup>th</sup> April 2024. His submissions and arguments are stated as follows: -


- (i) The Respondent No. 2 is the successor of the original consumer (Manvel Simon Ghonsalves) of MSEDCL having Consumer No. 001770030419 and 001771270553, and is currently represented by Silvan D'Silva, the third-generation successor of the original consumer who represents Respondent No.2 through a letter of Authority dated 10.04.2024.
- (ii) The Appellant-actor Joseph Dominic Misquitta and his concerned representative Basuraj Patel have not validated their locus standi through mandatory procedures, and therefore the Appeal preferred before this Hon'ble Ombudsman is rendered inadmissible and unmaintainable. The Appellant- actor and his representative are required to produce the source of their authority to act on behalf of the Appellant Trust and represent the said Appellant Trust. The said source of authority should be in the form of Resolutions passed by the trustees with a two-thirds majority. *[Note: The said Authority Letter was submitted on 10.04.2024, on the day of hearing.]*
- (iii) Respondent No. 2 requires the following documents that are in the exclusive custody of the Appellant and Respondent No. 1 to file his written statement.

  
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- A. Copy of Resolution for appointment of Mr. Joseph Misquitta and Mr. Basuraj Patel to act on behalf of the Appellant Trust in the aforementioned appeal.
- B. Copy of Resolution to prefer an Appeal before the Hon'ble Ombudsman.
- C. Copy of Application made on behalf of the Appellant to Respondent No. 1 to change the name of consumers.
- D. Copy of orders dated 10.08.2023 of Case Nos. 149, 150 and 172 of the year 2022 before the Hon'ble Commissioner of Charity and Public Trust, Palghar.
- E. Copy of Resolution dated 07.03.1999 of the Appellant.
- (iv) The Appellant is a Trust, and therefore any person acting on its behalf is required to produce the source of Authority by the Trust. The representative and the Actor / Instructor are both required to produce the Authorization; until then the Appeal remains inadmissible and unmaintainable.
- (v) The Respondent No.2 reiterated that the said plot was donated by the Tahsildar to the Trust on 11.04.1983 for the purpose of a burial ground. He claimed that this Church was operated from his residence during the initial period for 17 years.
- (vi) The Trust is acting in a weird way. The original motive has changed. The entire community has been divided, of which half of it is against the Trust. The appointment of the Trustees is illegal since the number of members should be not less than 7. The chairman is self-proclaimed. The Trust has filed a case in the Civil Court. The Trust is asking for an injunction against the owners (successors) and are not allowing them to enter the premises.
- (vii) A case was also pending before the Charity Commissioner, Palghar, and an order has already been passed on 10.08.2023 which is in favour of Respondent No. 2. Respondent No.2, as per directions of this office has submitted the above order passed by the Charity Commissioner, Palghar. Assistant Charity Commissioner, Palghar Region, Palghar rejected the Change Report of the Trustee from "Augustin Baptista Ghonsalves" to "Julious Fransis Kuravalo".

  
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- (viii) It is prayed that the Hon'ble Ombudsman may direct the Appellant and Respondent No. 1 to produce copies of the necessary documents as mentioned under Paragraph No.4 (iii), and if possible, a second hearing be given.
- (ix) The Respondent No. 2 argued that the present trustees are not authorized to work as the managing committee. A case is going on before the Charity Commissioner against them. **Hence, they are not authorized to apply for a change of name.** Hence, the basic application of change of name was illegal. The Forum has rightly reversed the change of name from Church of Christ Pentecost to Manvel Simon Ghonsalves.
- (x) Respondent No. 2 prays that the representation of the Appellant be rejected.

5. During the hearing, the Appellant – Church / Trust also stated that the Appellant has filed a Suit No. 587 of 2023 in the Civil Court, Vasai which was registered on 21.12.2023 for injunction under Section 39 Rule 1 & 2 R/w. Section 151 of C.P.C. to restrain the defendants (Respondent No.2) from interfering with and / or obstructing the peaceful use, occupation and possession of the suit property. The proceeding in the said case is going on in the Civil Court, Vasai.

### **Analysis and Ruling**

6. Heard the parties and perused the documents on record. The Appellant -Church of Christ Pentecost, Vasai is a registered Trust (No.D-66 THANE / D-33 PALGHAR) from 16.11.1989. There are two electric connections (No. 001770030419 and 001771270553) in the name of Manvel Simon Ghonsalves, (Ex-Chairman of the Trust). The details of these connections are already provided in Table 1 of Para 2.

7. The ex-Chairman, Manvel Simon Ghonsalves passed away on 24.05.2000. The Trust has applied for change of name for these electric connections from Manvel Simon Ghonsalves to Church of Christ Pentecost on 18.05.2022 and 27.06.2022 for consumer no. 001771270553 and consumer no. 001770030419 respectively.

  
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8. The Respondent No. 1 MSEDCL contended that the following documents were enclosed with the change of name application.

- (a) The resolution dated 11.04.1983 of the Tahasildar, Vasai regarding allocation of the said land to Pentecost religion for burial ground.
- (b) Minutes of the meeting of the Board of Trustees Church of Christ Pentecost dated 07.03.1999 under the chairmanship of Manvel Simon Ghonsalves, wherein a resolution was passed that the institutions' assets should be renamed in the name of the Appellant Trust i.e. Church of Christ Pentecost.
- (c) No Objection Certificate for construction on the said premises was given in the name of the Appellant - Trust by the Sarpanch, Grampanchayat Sandor in the year 2002.
- (d) The 7/12 extract of the property. This document also mentioned that the said land is for burial ground for the people from Pentecost religion.

The Respondent No. 1 found these documents in order and therefore, the change of name was approved on 27.06.2022 for both the electric connections and effected in the bills of July 2022. We have also examined these documents which are found to be in order.

9. However, the Respondent No. 2, the successor family of Manvel Simon Ghonsalves, ex-Chairman of the Appellant - Church challenged this change of name in the Forum on 14.09.2022 claiming that No Objection Certificate was not taken from the family members of Manvel Simon Ghonsalves. Secondly, the present Trustees do not fulfil the qualification criteria for the Members of Trustees as per the rules and regulations of the Charity Commissioner. Hence the appointment of the Trustees is illegal, making the change of name applications also illegal. The chairman is self-proclaimed. The Appellant -Trust has filed a Suit before the Civil Court Vasai asking for an injunction against the owners (successors) to restrain them from entering the disputed premises.

10. The Appellants contend that the proposed Trust / Church had applied for a plot of land (around 20 Gunthas) in the year 1983 to the Government of Maharashtra for the purpose of a

  
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burial ground. The land bearing S.N. 254, Hissa No. 2,(Old S-N. No. 295, H.N. 2) measuring 20 gunthas situated at Village Sandor, Taluka Vasai, Dist. Palghar is gifted to the Appellant - Church by the Government and was accordingly handed over to them. The same is recorded in the Mutation Entry bearing No. 8111, and they have constructed a Prayer Hall measuring 45 X 35 sq-ft. after obtaining permission from the Gram Panchayat Sandor vide permission dated 29/03/1988. Since then, the Appellant - Church is in peaceful possession of the suit property and its Trustees are also looking after and maintaining the suit property, and have protected the suit property by constructing walls all around it, and are also responsible for all the ancillary activities at their own cost. The Trust has obtained electricity connections, constructed iron gates and a prayer hall with all sound connections, obtained water connection, and have done all the incidental works for the betterment of the suit-property. Since 1989 the Appellant – Trust is in peaceful use, occupation and possession as owners of the suit property, and are also permanent residents of the said locality. The trustees have also been preserving and administrating the suit property within the purview of law, and maintaining it in the best interest of the Trust. Hence, the Trust has become the absolute and lawful owner of the suit-property, and also in peaceful possession of the suit premises since the year 1989.

11. In its order, the Forum observed that:

e) “As per 7/12 of Talathi, Sandor, Vasai dated 09.11.2023, the said premises is for “दफनभूमी पेटे कॉस्टपंथाचे लोकांसाठी”.

f) *On scrutiny of the documents submitted by the Appellant/Respondent, it is observed that the respondent had not followed the due process of law while changing name of the existing consumer. It is also observed that respondent should have taken NOC of legal heirs of original consumer. The said process/opportunity is an essential ingredient of the settled law under the principle of natural justice and also under the Electricity Act itself.*

*It is further observed that the arbitrary actions of electricity service providers are against consumer rights and discourage the very spirit of consumerism. Therefore, it would be just and proper to restore the lost consumer right of the Applicant.”*

  
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In response to the above order, the Appellant / Trust has counter argued as follows: -

- The application for change of name was made by the Trust registered under the name of Church of Christ Pentecost for the well-being of their community namely Pentecost. **There is no individual ownership of the property, and the Appellant – Trust is in complete possession of the suit property and is maintaining it in the interest of their community.** The Appellant Trust is in possession of the suit property with its administration within the purview of the law and is the legal occupier of this property. Besides this, right from the date of connections, the Appellant Trust has been paying the electricity bills.

The Forum directed that the Respondent may ask the Trust to apply for a new electricity connection as per the rules and regulations under the Electricity Act. However, the Appellant Trust itself applied for the change of name of the existing electricity connections on the basis of the documents mentioned above, hence there is no question of the Appellant / Trust applying again for new connections.

12. We have carefully examined the contentions of both the parties. We do not find any merit in the contentions of Respondent No. 2 due to the following reasons. Firstly, the Government allotted this land to the Trust / Church of Christ Pentecost and not to any individual person. Even if the original electricity connection was given in the name of Manvel Simon Ghonsalves, it was in his official capacity as Chairman of the Trust, and not in his individual capacity. Secondly, Manvel Simon Ghonsalves himself officiated a Resolution in 1999 for effecting a change of name in favour of “Church of Christ Pentecost”. Thirdly, even if there is a dispute regarding the validity of membership of the current Trustees, there is no doubt that the Trust itself represents the Church of Christ Pentecost. The change of name was effected in favour of the “Church of Christ Pentecost”, and not in the name of the “Trust”. Lastly, the intention of the Government / Tahsildar in granting the said land in 1983 to Pentecost religion for a burial ground is clear: it was meant for the church as an institution, and not for any individual, be it the Chairman of the

  
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Trust or anyone else. Hence, we find that the Forum's observations differ from the **core merit** of the case. The Late Manvel Simon Ghonsalves had applied for new connections on behalf of the Trust and not in his individual capacity. Hence, the legal heirs of Manvel Simon Ghonsalves do not come in the picture, and there is no necessity of "No Objection Certificate" of legal heirs for application of change of name. There is nothing wrong with the change of name effected by Respondent No. 1. The supply is being used by and for the Appellant - Trust only. The Appellant -Trust is a settled occupier of the suit property which is registered under the Charity Commissioner. The fact that Suit No. 587 of 2023 was filed in the Civil Court Vasai by the Appellant on 20.12.2023 does not affect the issue of electricity connections.

13. We therefore hold that the change of name in favour of the Appellant / Trust is valid. The Forum's order is kept aside. The Representation is allowed principally. The Respondent No.1, MSEDCL is directed hereby to sustain the change of name from 'Manvel Simon Ghonsalves' to 'Church of Christ Pentecost'.

14. The Representation is disposed of accordingly.

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

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai

