

# BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

## REPRESENTATION NO. 117 OF 2024

In the matter of Change of Name

Mihir Harshad Meckoni..... Appellant

V/s.

Brihanmumbai Electric Supply & Transport Undertaking ..... Respondent No.1

F/North (BEST Undertaking)

Smt. Indira Nair..... Respondent No.2

Padmakumar Nair..... Respondent No.3

Appearances:

Appellant : Mihir Harshad Meckoni

Respondent No. 1: 1. Sanskruti Gosavi, Admin. Officer CC-F/N, BEST  
2. Madhuri Ugale, Superintendent, BEST

Respondent No. 2: Smt. Indira Nair

Respondent No. 3: Padmakumar G. Nair

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

Date of hearing: 20<sup>th</sup> August 2024

Date of Order : 23<sup>rd</sup> September 2024

## ORDER

This Representation was filed on 21<sup>st</sup> June 2024 under Regulation 19.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity



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Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020) against the Order dated 21<sup>st</sup> May 2024 in Case No. FN-493-2024 passed by the Consumer Grievance Redressal Forum, BEST Undertaking (the Forum). The Forum by its order allowed the grievance and directed as below:

*“2. The respondent no. 1 is directed to revert the name of the respondent no. 2 from the electricity meter and restore it in the name of the original consumer; that is, late Gopalkrishnan Nair with immediate effect in respect of the said premises.”*

#### PREAMBLE

- A. The Original electric connection (No. 598-475-023) was in the name of deceased K. Gopalkrishnan from the year 1990, who was a tenant as per Pagadi System at Shop No. 8, Meckoni House, B.B. Bhandarkar Road, Matunga, Mumbai - 400 019.
- B. The Appellant (Shri Mihir Harshad Meckoni ) (who is claiming to be the landlord) applied for change of name with the Respondent No.1 BEST in Aug. 2023 .The Respondent No.1 changed the name of the electric connection from K. Gopalkrishnan to his name (Cons. No. 598-475-016) on 13/09/2023.
- C. The Respondents No. 2 (Smt. Indira Nair) & No. 3 (Padmakumar G. Nair) [heirs of deceased Gopalkrishnan Nair i.e. his wife and his son] filed a grievance (Case No. FN-493-2024 on 05/04/2024) with the Forum for reverting the name to original, claiming that the Respondent No.1 BEST Undertaking had illegally changed the name from Gopalkrishnan Nair to the name of the Appellant The Respondents No. 2 & 3 prayed that the electricity meter may be reverted either in the name of the original consumer or in their names, as their claim as legal heirs.
- D. The Forum by its order dated 21/05/2024 allowed the grievance and directed to restore the connection in the name of the original consumer (late Gopalkrishnan Nair) with immediate effect.
- E. Mihir Harshad Meckoni, being aggrieved by this order of the Forum, has filed the present representation before this Authority.

  
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F. The sequence of change of names on the electricity bill is tabulated below:

Table 1:

Sr. No.	Name	Change of Name			Date of change of Name	New Cons.No.	Remarks
		From	Old Cons.No.	To			
1	Mihir Harshad Meckoni	K. Gopalkrishnan	598-475-023	Mihir Harshad Meckoni	13/09/2023	598-475-016	(i) K. Gopalkrishnan was the initial consumer from 1990 at <b>Shop No. 8, Meckoni House, B.B. Bhandarkar Road, Matunga, Mumbai</b> . He expired on <b>07/07/2014</b> .
2	Smt. Indira Nair & Padmakumar G. Nair	Mihir Harshad Meckoni	598-475-016	K. Gopalkrishnan	30/05/2024	598-473-023	(i) Objection of Respondents No.2 (Smt. Indira Nair) & No. 3 (Padmakumar G. Nair) [heirs of deceased Gopalkrishnan Nair i.e. his wife and his son]. (ii) BEST reverted in the name of K. Gopalkrishnan on 30/05/2024.


2. Aggrieved by the order of the Forum dated 21.05.2024, the Appellant has filed this representation. An e-hearing through video conference was held on 20<sup>th</sup> August 2024 where all the parties were heard at length. The Appellant's submissions and arguments are stated as below:

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- (i) The Appellant stated that he had received an intimation from the Forum for the hearing on 31.05.2024 in the above matter. He had informed the Forum that due to unavoidable circumstances; he would not be able to attend the hearing and had requested for a postponement. However, the Forum went ahead and heard the matter in his absence and passed the said Order ex-parte. He stated that an opportunity of hearing was not given, which is against the principles of natural justice and hence the order of the Forum should be set aside.

Brief facts of the case: -


- (ii) The Appellant is the landlord of the building known as Meckoni House. Shop No. 8 on the Ground Floor of Meckoni House (**said Premises**) was given on **monthly tenancy basis** to one Mr. K. Gopalkrishnan, (**the Tenant**) for running a jewellery workshop. The Tenant expired sometime in July 2014.
- (iii) After his death, the Premises had been lying locked and unused for more than 8 years.

  
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It was in a state of utter despair and its condition had deteriorated over the years and foul smell was emanating from it.


- (iv) On 09.05.2022, the Appellant pasted a Notice on the door of the said Premises that if anybody had any claim with respect to the same, they should contact him. However, no one came forward. The Appellant, therefore, pasted another Notice on 11.07.2022 but once again, nobody came forward. A legal notice dated 15.09.2022 was issued through his lawyers terminating the tenancy, which was returned back. The Appellant thereafter issued a Public Notice dated 01.11.2022 in two newspapers, Free Press Journal and Navshakti but again there was no response from anyone to the same. Thus, no one was occupying the said Premises since 2014. After waiting for about two months after the publication of the Notice, the Appellant terminated the tenancy and took over possession of the said Premises.
- (v) After six months of the possession, the Appellant applied for change of name of the electricity meter in Aug. 2023, and the BEST Undertaking effected the change of name on 13/09/2023 after examining the documents submitted by him.
- (vi) At this point of time, i.e. after a long period of 10 years, after 2014, all of a sudden, the Respondent No. 2 & 3 came forward and approached the Respondent No.1, BEST Undertaking that the name of the electricity meter had been (fraudulently) changed. However, the BEST Undertaking rejected their application.
- (vii) The Respondent No. 2 & 3 thereafter filed a grievance application in the Forum on 05/04/2024 against the change of name. The Forum by its order dated 21/05/2024 allowed the grievance application. The Forum failed to understand the basic issue. The Order of the Forum to restore the name of the original consumer is bad in law as the original consumer is no more living but has expired more than 10 years back. Therefore, it may not be right to have the electricity meter in the name of a dead person.
- (viii) The Appellant is in possession of the said Premises, and he is the current user. Therefore, the status quo should not be disturbed, and the Respondent No. 2 & 3 may

  
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be directed to approach the appropriate Court of Law in this regard.

- (ix) The Respondent No. 2 & 3 have no locus standi to claim any rights with respect to the said Premises. A period of more than 10 years has passed after the death of the original tenant, and Respondent No. 2 & 3 having failed to take any action for asserting their rights, cannot do so at a later stage as they are barred by the Law of Limitation, and that too before the BEST Undertaking instead of Court of Law.
- (x) The Respondent No. 2 & 3 have made false allegations against the Appellant claiming rights with respect to the said Premises. If at all the Respondents want to assert their right with respect to the said premises, they have to approach the appropriate Court of Law and not indirectly try to claim the same from the BEST Undertaking.
- (xi) The entire story which has been represented before the Forum is nothing but a cooked-up story, and the Respondents have no evidence to establish their possession of the said premises. In fact, examination of the electricity bills for the period 2014 onwards will reveal that the units consumed were “zero” as nobody was occupying the said premises. After the Appellant started occupying the said premises, the electricity consumption increased from “zero” to above 20 to 30 units per month. This clearly establishes that the Respondent No. 2 & 3 were not in possession of the said premises.
- (xii) The Forum has exceeded its jurisdiction by reasoning that termination of the tenancy does not ipso facto wipe out other rights of the Respondent No. 2 & 3. The Forum has ventured into the realm of law of deciding rights of tenant and Landlord.
- (xiii) On the electricity bills of consumers, the BEST authority has clearly mentioned that *“This bill for power supply cannot be treated or utilized as proof that the Premises for which power supply has been granted is an authorized structure nor would the issuance of the bill amount to proof of ownership of the premises”*.  
The Respondents through a backdoor method are attempting to use the BEST authority to claim rights with respect to the said premises.

  
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- (xiv) In view of the above, the Appellant prays that the Respondent No.1 be directed
- a. To set aside the order of the Forum,
  - b. To re-establish the Appellant's name (Mihir Harshad Meckoni) on the electricity meter.
3. The Respondent No. 1, BEST Undertaking filed its reply on 24.07.2024. Its submissions and arguments are stated as below: -

**Case History –**

- (i) K. Gopalkrishnan was the original consumer (No. 598-475-023) from 1990 who was a tenant under Pagadi System at Shop No. 8, Meckoni House.
- (ii) The Appellant (Shri Mihir Harshad Meckoni) applied for change of name from K. Gopalkrishnan (Cons. No. 598-475-023) to his name in Aug. 2023 on the strength of the following documents.
  - a) Letter of Undertaking for Change of Name for Electric bill in Annexure II dated nil in Aug. 2023 for self-declaration
  - b) Rent Receipt in the name of Mihir H. Meckoni for the period from Jan. 2023 to Dec. 2023
  - c) Consent letter of Landlord /Owner Shri Shantilal N. Meckoni
  - d) Pan Card & Aadhaar Card of Mihir H. Meckoni

Accordingly, change of Name from K. Gopalkrishnan to Mihir Harshad Meckoni was carried out on 13.09.2023.


- (iii) On 05.12.2023, Shri Padmakumar Gopalakrishnan Nair submitted a letter requesting to revert the name on the electricity bill to his father's name.
- (iv) In view of the above, a meeting was called on 09.01.2024 at 2.00 p.m. (as per guidelines of BEST Procedure Order No.236 dated 03.05.2017), when Shri Padmakumar Gopalakrishnan Nair & Shri Mihir Harshad Meckoni's representative Shri Arun Tripathi both were present.
- (v) During the meeting, Shri Arun Tripathi, representative of Shri Mihir H. Meckoni submitted documents which are mentioned above. In addition, the following

  
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documents were submitted.


- a) Complaint given on 26<sup>th</sup> Nov. 2022 to Senior Police Inspector for entitlement of Shop No. 8 after following statutory requirements of law.
  - b) Public Notice in Free Press Journal Newspaper (dated 01/01/2022) indicating that Tenant of Room No. 8 passed away many years ago. The said premises has been lying vacant and unused since then and has deteriorated. Any person/s having any claim/s against the same is hereby to make the same in writing to Mihir Harshad Meckoni, Landlord within 14 days from the publication of notice, Otherwise the said premises will be transferred in the name of Mrs. Prafulla Harshad Meckoni, and claims if any will be considered as waived or abandoned.
  - c) MCGM's property Tax Bill dated 1.10.2022 for year 2022 to 2023.
  - d) Death Certificate of Shri Gopalakrishnan Nair (Date of death: 07.07.2014).
  - e) Mihir Meckoni's Pan Card, Aadhaar Card & Light Bill of Jan. 2024, and other necessary documents to prove their ownership as Landlord.
- (vi) During the meeting, Shri Padmakumar Nair submitted the following documents:
- a) Inauguration Card of opening ceremony of shop "Sree Guruvayoorappan Jewellers" at Room No. 8 of the said address on 7<sup>th</sup> February 1990.
  - b) Letter to Inspector of Police Matunga Police Station by Smt. Indira Gopalakrishnan Nair dated 10.10.2023 regarding fraudulently changing the name on electricity bill by the Landlord Mihir Harshad Meckoni.
  - c) Indian Post Acknowledgement in the name of Shri Shantilal Meckoni, & Demand Draft of payment of rent of Shop No.8 to Shri Shantilal Meckoni / Mihir Meckoni.
  - d) Letter of Advocate Shri Simran Jumani dated 10/02/2023 to Shri Shantilal Meckoni/ Mihir Meckoni by registered A.D. post regarding transfer of Tenancy rights in favour of Mrs Indira Nair, wife of deceased Tenant Gopalkrishnan Nair.
  - e) Letter of Advocate Shri Dhruv Liladhar Company dated 10/04/2023 to Simran Jumani & Assoc. regarding reply to his Advocate notice.
  - f) Photostat of Passbook of Saraswat Co.Op.Bank indicating payment of rent dated

  
(Dilip Dumbre)  
Secretary  
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02/08/2021.

- g) Photostat of Rent Receipts in the name of Shri K. Gopalakrishnan from 21.04.2010 to 04.01.2021.
- h) Memo Receipts of Indian Bank, Matunga Bank passbook page No.97, 98, 99 in the name of Shri Shantilal Meckoni dated 20.12.2014, indicating the payments of rent.
- (vii) Shri Mihir Meckoni stated that the concerned room was closed from the year 2014. Therefore, he published notices in newspapers to Legal Heirs of Shri K. Gopalakrishnan to prove their rights upon this room within 14 days. But they did not come forward. Advocate S.R. Rawell & Co. also sent letters to the Legal Heirs but they did not prove their rights to this room.
- (viii) On the contrary, Shri Padmakumar Nair produced Rent Receipts from the year-2010 to 2021 for the said property. He also produced Saraswat Bank's passbook for Rent Receipt of year-2022. Shri Mihir H. Meckoni admitted that he issued these Rent Receipts to Shri Padmakumar Nair. He submitted a written statement in which he explained that Shri K. Gopalakrishnan passed away on 07.07.2014. After his death, from Jul. 2014, Room No.8 was closed. So finally in Sep. 2022 through Advocate S.R. Rawell & Co., Shri Mihir H. Meckoni issued notices in local Newspapers as explained above. Otherwise, the said room would be transferred in the name of Mrs. Prafulla Harshad Meckoni, wife of Landlord Harshad Meckoni. After waiting for about 2 months on the advice of lawyer, Shri K. Gopalakrishnan's tenancy was cancelled. A new Rent Receipt was issued in the name of Mihir H. Meckoni. After 8, 9 months, Shri Mihir Meckoni changed the name on the electricity bill to Mihir Harshad Meckoni (New) (Cons. No.598-475-016). The landlord of the said building has thus cancelled the tenancy of Shri K. Gopalakrishnan.
- (ix) **A site investigation was carried out on 11.01.2024 to check the physical occupancy of the premises. It was found that the wife of Shri Padmakumar Nair, Smt. Triza Nair was running "Sai Art & Craft Shop" in this premises, and the shop's**

  
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**Gumasta Licence is in the name of Shri Padmakumar Nair.**

- (x) The landlord of Meckoni house cancelled the tenancy of Shri K. Gopalakrishnan. During the meeting, Shri Padmakumar Nair was informed to submit the tenancy agreement made between the landlord & Shri Padmakumar Nair, and to file an application for carrying out change of name in the name to Shri Padmakumar Nair.
- (xi) Not satisfied with the above remedy provided by the Respondent No.1, the Respondent No. 2 & 3 filed a grievance application in the Forum on 05/04/2024 against the change of name. The Forum by its order dated 21/05/2024 allowed the grievance application. As per its order, the connection has been reverted back to the earlier A/C holder. Name of holder of new A/C No.598-475-016 i.e. Mihir Meckoni was reverted back to the holder of earlier A/C No.598-473-023 i.e. K. Gopalakrishnan on 30/05/2024.
- (xii) The Respondent No. 1 prays that the consumer be directed to pay all the outstanding bill amounts at the earliest.

4. The Respondent No. 2 (Smt. Indira Nair) & 3 (Padmakumar G. Nair) submitted their reply on 16.07.2024. Their submissions and arguments are stated as below: -


- (i) The Respondent No. 3 (Padmakumar G. Nair) is **late Gopalkrishnan Nair's son and has a shop no. 8 admeasuring 200 sq. feet carpet area at Meckoni House. The said shop was occupied from 1990 on tenancy basis under Pagadi System.** There was an Electric Meter No. 1114568 (Cons. No. 598-475-023) in the name of late Mr. Gopalkrishnan Nair. The said shop was being used for running a jewellery business which includes the manufacturing and selling of Jewellery. Gopalkrishnan Nair passed away on 07/07/2014 (Padmakumar Nair and Indira Nair are his only legal heirs). After his death, the Respondent No. 2 & 3 as usual continued to use, occupy, operate and run the aforesaid business of Jewellery with the help of their cousin Mr Shivdas. During the Covid Pandemic-2019, severe restrictions were imposed by Government of Maharashtra. The said shop was closed sometime during the lockdown from 20/03/2020. Mr Shivdas suffered a massive heart attack

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



and as a result he shifted to his native place. After that their family is carrying on business in the name of “Sai Arts and Craft”.

- (ii) The Respondents have rent receipts of the said shop The Electricity Bills of the shop were paid regularly from 2010 to 2021.
- (iii) After the death of Gopalkrishnan Nair, the Respondents on several occasions tried to meet Mr Shantilal Meckoni (Landlord) to transfer rent receipts in their name. They called him over the phone also and requested to transfer rent receipts in their name. But Mr Shantilal Meckoni avoided to do so. However, he continued to accept the rent of the said shop. **The Appellant illegally demanded a big amount for transfer of rent receipt.** They refused to accept an illegal demand. All their deals have been with Mr Shantilal Meckoni who is the landlord of said premises. *[Note : During the hearing it was clarified that Mr. Shantilal Meckoni was in active due to old age, and the Appellant was acting on his behalf to collect rents etc.]*
- (iv) The Appellant, out of frustration, on 20/03/2023 tried to forcibly dispossess the Respondent No. 2 &3 and put his own lock on the door of the said shop. A police case was lodged, and after intervention of the police, the lock was removed.
- (v) The Appellant (Mr Mihir Harshad Meckoni) fraudulently changed the name of electricity bill on 13/09/2023 in collusion with BEST Undertaking.
- (vi) As per statutory requirement of Regulation 12.3 of Supply Code & SOP Regulations 2021, the Respondents have documents in the respect of said shop i.e. Succession Certificate, old electricity Bill, Rent Receipts, Current Shop’s Gumasta in the name of late Mr. Gopalkrishnan Nair.
- (vii) The Respondents have not violated any laws under Maharashtra Rent Control Act, 1990. There is no due process of law followed for termination of tenancy of the original owner. Mr Shantilal Meckoni is the only Landlord of the said premises. Mr. Harshad Meckoni has no rights to file F.I.R. against them. His intension is to take over their shop using all illegal ways.
- (viii) The Respondents filed a grievance application in the Forum on 05/04/2024 against

  
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the change of name. The Forum by its order dated 21/05/2024 has allowed the grievance application.

- (ix) **The Respondent No. 2 & 3 have filed a case in the Small Causes Court at Mumbai against Mr Shantilal Meckoni and the Appellant (Mr Mihir Harshad Meckoni) which was registered vide RAD Suit No. 904 of 2024 on 28<sup>th</sup> June 2024. The said case is pending for a decision before the Civil Court.**
- (x) The Respondents pray that the representation of the Appellant be rejected with cost and to take stringent action against the Appellant.

### **Analysis and Ruling**

5. Heard the parties and perused the documents on record. The original electric connection was in the name of K. Gopalkrishnan (Cons. No. 598-475-023) from 1990 at Shop No. 8, Meckoni House, B.B. Bhandarkar Road, Matunga, Mumbai (a pagadi property). The further developments have been enumerated above in detail. The sequence of change of names is already tabulated in Table 1. The tenant Shri Gopalkrishnan Nair passed away on 07/07/2014. The Respondent No. 2 & 3 are the legal heirs of late Gopalkrishnan Nair.

6. The Appellant contended that he is the landlord of the Building Meckoni House. After the death of the Tenant, the Premises had been lying locked and unused in a deteriorated condition for more than 8 years. The Appellant pasted a Notice on the door of the said Premises on 09.05.2022, that if anybody had any claim with respect to the same, they should contact him. However, no one came forward. The Appellant pasted another Notice on 11.07.2022 but once again, nobody came forward. A legal notice dated 15.09.2022 was issued through his lawyers for terminating the tenancy. The Appellant thereafter issued a Public Notice dated 01.11.2022 in newspapers, Free Press Journal and Navshakti but again there was no response. Thus, no one was occupying the said Premises since 2014. The Appellant terminated the tenancy and took over possession of the said Premises. After six months of the possession, the Appellant applied for change of name of the electricity meter in Aug. 2023, and the BEST Undertaking correctly

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



changed the name on 13/09/2023 after examining the documents submitted by him as charted in Table1.

7. The Respondent No. 2 & 3 thereafter filed a grievance application in the Forum on 05/04/2024 against the change of name. The Forum by its order dated 21/05/2024 has allowed the grievance application. Accordingly, BEST has reverted the name to the original.

8. The Respondent No. 1 BEST Undertaking has taken an Undertaking from the Appellant (Mihir Harshad Meckoni) during the process of change of name. The contents of the Undertaking are as below:

*“I have read and understood the procedure of registration for change in name as stated the application & I shall abide the set procedure and submit all true and valid documents. ....”*


*In case of any fake representation on my part or any fraudulent documents submitted by me are not absolutely correct, I shall be solely and exclusively responsible for criminal proceeding or any court proceeding initiated against me.*


.....

***In case of any dispute or any objection raised by Landlord/ any Statutory Authority/ any other person on account of the change in name of the above connection to my name/our name/names, BEST Undertaking reserve the right to re-transfer the connection in the name of the original registered consumer. ....”***

9. The Respondent No. 1 carried out a site inspection of the said premises on 11/01/2024 for checking physical occupancy of the premises. As per the site inspection report, the wife of Shri Padmakumar Nair (Respondent No. 3), Smt. Triza Nair is now running “Sai Art & Craft Shop” in this premises, and the Gumasta Licence of the said is in the name of Shri Padmakumar Nair.

10. There are allegations and counter allegations by both the parties, and multiple documents

  
(Dilip Dumbre)  
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Electricity Ombudsman Mumbai



were submitted by the Appellant and Respondent No. 2 & 3 to justify their rival contentions in the said property. This is clearly a civil dispute. The Regulatory provision in this case is as below: The Regulation 19.25 of CGRF & EO Regulations 2020 says that :-

*“19.25 The Electricity Ombudsman may reject the representation at any stage, if it appears to him that the representation is:*  
*(a) frivolous, vexatious, malafide;*  
*(b) without any sufficient cause;*  
*(c) there is no prima facie loss or damage or inconvenience caused to the Complainant:*  
*Provided that the decision of the Electricity Ombudsman in this regard shall be final and binding on the consumer and the Distribution Licensee:*  
*Provided further that no representation shall be rejected in respect of subclauses (a), (b), and (c) unless the Complainant has been given an opportunity of being heard.”*


11. This Forum is quasi-judicial in nature with limited quasi-judicial powers under the regulations framed by MERC and the electricity laws in force. This is a civil dispute, and it has to be finalized by the appropriate Civil Court. Meantime, it is fair that the status quo be maintained when the cause of action arose. The Forum by its order has rightly directed for reversion of name to the original consumer, that is, late Gopalkrishnan Nair. This order in no way affects the ownership rights of either party. No party is deprived of electricity currently. The parties need to settle the ownership dispute in the appropriate civil court. The order of the Forum is reasoned and speaking. There is need to interfere in its order.

12. The Respondent No. 2 & 3 have filed a case in the Small Causes Court at Mumbai against Mr Shantilal Meckoni and the Appellant (Mr. Mihir Harshad Meckoni) which was registered vide RAD Suit No. 904 of 2024 on 28<sup>th</sup> June 2024. The said case is pending for a decision before the Civil Court.

13. The Regulatory provision in this case is as below:

The Regulation 19.22 of CGRF & EO Regulations 2020 provides as

*“19.22 The Electricity Ombudsman shall entertain a representation only if all the*

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



*following conditions are satisfied:*

.....  
(g) *The representation by the Complainant, in respect of the same Grievance, is not pending in any proceedings before any court, tribunal or arbitrator or any other authority;*  
.....”

14. Considering the various angles in the case, as pointed out above, the Representation of the Appellant is rejected and disposed of accordingly.

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



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