

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 114, 115 & 116 OF 2024

In the matter of Change of Name of electric connection

Rep.No.	Name of Appellant	Cons. No.
114 of 2024	Nikhil R. Makhecha	000093904931
115 of 2024	Nikhil R. Makhecha	000093904958
116 of 2024	Nikhil R. Makhecha	000093904915

.....Appellants

V/s.

Maharashtra State Electricity Distribution Co. Ltd. Mulund Respondent No.1
(MSEDCL)
Runwal Commercial Complex Co-op Premises Soc. Ltd. Respondent No.2
Munesh Hotilal Thakur (Rep. 114 & 116/2024)..... Respondent No.3
Sundeeep Rasiklal Makhecha Respondent No.4
Lalita Lokendrasingh Parihar (Rep. 115/2024)..... Respondent No.5

Appellant : 1. Darshana Pawar, Representative
2. Sanjay Kasare, Representative

Respondent No.1 :1. Vijay R. Sonawale, Addl. Ex. Engr, Panchrasta Sub-dn.
2. Atul P. Deshmukh, Dy. Manager, Mulund Dn.

Respondent No.2 : Not Present

Respondent No. 3 & 5: Lokendra Singh Parihar, Representative

Respondent No.4 : Not present


Coram: Vandana Krishna (IAS (Retd.))

Date of hearing: 9th October 2024

Date of Order : 29th October 2024

ORDER

These Representations were filed on 4th 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 4th April 2024 passed by the Consumer Grievance Redressal Forum, MSEDCL, Bhandup (the Forum). The Forum dismissed the grievance applications by a common order in Case No. 115 of 2023-24.

2. Aggrieved by the order of the Forum, the Appellant has filed these three representations independently which are clubbed together for a common order as the subject matter is similar in nature. A physical hearing was held on 9th October 2024. However, the representatives of Respondent No.2 (Society) & Respondent No. 4 were not present in the hearing. Parties were heard at length. The Respondent No.1 (MSEDCL) filed its reply on 25th July 2024. The submissions and arguments of the Respondent No.1 (MSEDCL) are as below. *[The Electricity Ombudsman's observations and comments are recorded under 'Notes' where needed.]*

(i) The Appellant, Nikhil R. Makhecha was the original consumer of the Respondents No. 1 from 28/01/2019 for commercial purpose, having three connections. The details of these connections of sanctioned load, date of supply and change of name to the name of new consumers are as below:

Table 1

Rep. No.	Original Consumer	Consumer No.	Address on Bill	San. Load (KW)	Date of Supply	New Consumer	On Line Application	Date of change of Name	Activity
114/2024	Nikhil R. Makhecha	000093904931	Shop No.1, Ground floor, Runwal Commercial Complex, Mulund (west)	1	28/01/2019	Munesh Hotital Thakur	01-08-2023	06-09-2023	Commercial
115/2024	Nikhil R. Makhecha	000093904958	Shop No.3, Ground floor, Runwal Commercial Complex, Mulund (west)	1	28/01/2019	Lalita Lokendrasing Parihar	01-08-2023	06-09-2023	Commercial
116/2024	Nikhil R. Makhecha	000093904915	Shop No.4, Ground floor, Runwal Commercial Complex, Mulund (west)	1	28/01/2019	Munesh Hotital Thakur	01-08-2023	06-09-2023	Commercial


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(ii) The new consumers (Respondents No. 3 & 5) had applied for change of name on 01.08.2023 through MSEDCL Web Self Service (WSS) portal, and also submitted applications in hard copies to Pachrasta Subdivision on 28.08.2023 along with documents as below:

- a) Registered sale deed along with Index II.
- b) No Objection Certificate dated 23.07.2023 of Runwal Commercial Complex Co-operative Housing Society Ltd. (Society).
- c) The Society maintenance receipt for the month of July 2023
- d) Share Certificates of Runwal Commercial Complex Co-op Premises Soc.Ltd.
- e) Order No. 01/2018 dated 27.01.2022 of Dy. Registrar Cooperative Society T Ward Mumbai as per Section 23(2) of the Maharashtra Co-operative Societies Act, 1960.


(iii) After due verification of the above documents, the applications for change of names were approved on 06.09.2023 as charted in Table 1 and were reflected in the subsequent bills of Oct. 2023. The Appellant has challenged these change of names.

(iv) The Respondent No. 1 MSEDCL referred to the Practice Direction dated 26.12.2023 issued by the Commission in Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021 (Supply Code & SOP Regulations 2021) in its support which is reproduced as below:

“Practice Direction:

a.

b. *Distribution Licensee shall add following statement in electricity bill :*


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*“This bill for power supply cannot be treated or utilized as proof that the premise for which the power supply has been granted is an authorized structure **nor would the issuance of the bill amount to proof of ownership of the premises.**”*

- (v) The consumers’ name change was done on the basis of required documents as indicated in Annexure A of U form of MSEDCL (which is available on the website) as under:


Annexure “A”

Document required (please tick):

Any one of the relevant document:-

- a. Occupancy Certificate issued by statutory body / Competent Authority.***
- b. Ownership Document/form 8 / Form 7-12 / tax / lease issued by Local Authority***
- c. Certified copy of Corresponding Legal Document (In case of inheritance / succession / will/ Gift Deed)***
- d. Certificate of Incorporation issued as per provision of companies Act 1956.***
- e. Affidavit / Gazette Notification for himself (In case applicant himself has changed his name)***
- f. Legal document supporting letting and NOC of the owner. (In case of premises is let out to the applicant)***

The new consumers fulfil the criteria of ownership, and have submitted the necessary documents like Share Certificates of Runwal Commercial Complex Co-op Premises Soc. Ltd. & Order No. 01/2018 dated 27.01.2022 of Dy. Registrar Cooperative Society T Ward Mumbai and Index II. Hence there was no question of taking No Objection Certificate from the original consumer.



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- (vi) The Appellant filed grievance applications in the Forum on 21.11.2023. The Forum by its order has dismissed the grievance applications. The Forum observed that
- In the document from Upnibandhak Sahakari Sanstha, T- Vibhag, Mumbai, it is mentioned that “due to non-clearance regarding the ownership of the said property, the appeal filed by Mr. Nikhil Makheja regarding the membership of the said Society is rejected”.*
- (vii) The present consumers Munish Hotilal Thakur and Lalita Lokendrasingh Parihar have submitted all required / relevant documents for change of name, and accordingly the change of name was effected by the Respondent as per rules and regulations in force.
- (viii) In view of above, the Respondent No. 1 prays that the three representations of the Appellant be rejected.

3. The Appellant’s submissions and arguments are stated as below:


- (i) Late Sundeep Rasiklal Makhecha, (younger brother of the Appellant) was the absolute owner of Basement Shop No. 1, 3 and 4 (Built up area of about 425 sq. feet each) of Runwal Commercial Complex Co-op Premises Soc. Ltd., from 2005. (There were electric connections in his name which were disconnected previously. Details of these connections were not known). There were huge outstanding dues of Rs. 7,86,414/- towards maintenance charges of the Society, which were paid by demand draft dated 19.12.2010.
- (ii) Deeds of Gift for basement shops 1, 3 & 4 were executed on 31.12.2010 between brothers Sundeep Rasiklal Makhecha (the Donor) and Nikhil Rasiklal Mackhecha (the Donee). These Deeds of Gift were registered on 19.01.2011 with the Sub-Registrar’s


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office, Kurla, Mumbai by paying stamp duty of Rs. 47,200/- for each Basement shop. These gift deeds were in consideration of natural love and affection in the family. The original owner irrevocably and unconditionally gifted his right, title and interest together with all the incidental rights. The original owner expired on 04.11.2020. The said Gift Deeds are neither challenged nor cancelled/revoked by any court of law.


- (iii) The Appellant is the legal and absolute owner and in peaceful possession of the Basement Shop No. 1, 3 and 4 in the said Runwal Commercial Complex Co-op Premises Soc. Ltd. from the year 2011.
- (iv) The Appellant by his letter dated 20.01.2011 informed the Society that the original owner had transferred his ownership rights vide the above gift deeds, and requested the Society to transfer the share certificates to the Appellant's name. He addressed numerous letters to the Society from 2011 to 2015, however the Society did not transfer the share certificates to his name without any reason.
- (v) The Appellant applied for new electric connections for the said shops in the year 2018 and paid statutory charges after sanction. These new connections were released on 28.01.2019. The details of consumer numbers, sanctioned load, date of supply etc., are charted in Table 1. The Appellant was paying the electricity bills regularly till September 2023.
- (vi) As the society was not responding to the request for transfer of shares of shop 1,3 &4, the Appellant filed appeals on 05.05.2018 before the Asst. Registrar, Cooperative Societies, T Ward, Mumbai for getting membership in the Society. However, the Asst. Registrar by its order dated 27.01.2022 rejected this appeal. Thereafter, the Appellant has filed revision application (no. 624 of 2023) before the Divisional Joint Registrar,


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Cooperative Societies, Mumbai Division which is still pending.

- (vii) Recently, the Appellant learned that the name on the electricity connections were transferred in the name of Munish Hotilal Thankur and Lalita Lokendra Singh Parihar, (as tabulated in Table 1) illegally without NOC from him.
- (viii) The Appellant has not transferred his rights of the said shops to anyone till date. Munish Thakur and Lalita Lokendrasingh Parihar are mischievous persons and they are claiming rights in the said property with illegal and bogus documents and depriving his legal rights.
- (ix) The Appellant filed grievance applications in the Forum on 21.11.2023 for cancellation of the illegal change of names on the electricity bills. The Forum by its order dated 04/04/2024 dismissed the grievance applications. The Forum failed to understand that
- a) the Appellant is the absolute owner of these basement shops 1,3 &4 from 2011. The Appellant never issued any NOC to transfer meters in other names.
 - b) The society was accepting maintenance charges from the Appellant from 2011 onwards, but recently they stopped accepting the maintenance charges. They are hand in gloves with the new party.
- (x) The Society has misrepresented the order No. 01/2018 dated 27.01.2022 of Dy. Registrar Cooperative Society T Ward Mumbai. By that order, the Dy. Registrar had directed the parties to seek their claim of ownership before the civil court. The Appellant has already filed an appeal against the said order dated 27.01.2022 before the Divisional Joint Registrar Cooperative Societies Mumbai, Mumbai Division (Revision Application No. 624 of 2023) and the same is pending for disposal.


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(xi) The Appellant cited (a quote of documents of LAW Finder) the order dated 02.06.2022 of High Court of Gujarat at Ahmedabad in Case of Special Civil Application No. 6281 of 2021 in support of his claim.

(xii) In view of the above, the Appellant prays that the Respondent No. 1 be directed

a) to revert the electricity connections to the name of the Appellant.

b) to pay compensation of Rs 5 lakhs towards monetary loss.

4. The Respondent No. 3 (Munesh Hotilal Thakur) & 5 (Lalita Lokendrasingh Parihar) filed their reply on 03.09.2024. Their submissions and arguments together are as below:

a. The Respondent No. 3 & 5 purchased Basement Shops No. 1, 2 & 4 at Runwal Commercial Complex Co-op Premises Soc. Ltd. by as per Agreement for Sale, deed of confirmation and registered sale deed by paying heavy penalty of stamp duty from 2005. The details of sale deeds are tabulated as below:

Table 2:


Rep. No.	Vendor	Purchaser	Address	Sale Deed	Deed of Confirmation	Sale Deed Registration	Stamp Duty Paid on sale Deed of 2005 with penalty (Rs.)	Registration Charges
114/2024	Sandeep Rasiklal Makhecha	Munesh Hotilal Thakur	Shop No.1, Basement	07-05-2005	22-12-2011	27/12/2011	Total Stamp Duty of Rs. 4,27,835/-(Rs. 1,65,825 and penalty of Rs. 2,62,010/-) paid jointly of shop no.1 & 4	Rs. 30,000/-
115/2024	Sandeep Rasiklal Makhecha	Lalita Lokendrasingh Parihar	Shop No.3, Basement	11-05-2005	14/02/2013	15-02-2013	Total Stamp Duty of Rs. 2,70,230/-(Rs. 1,39,200 /-and penalty of Rs. 1,31,030/-) of shop no. 3	Rs. 30,000/-
116/2024	Sandeep Rasiklal Makhecha	Munesh Hotilal Thakur	Shop No.4, Basement	07-05-2005	22-12-2011	27/12/2011	as mentioned in Shop no.1	Rs. 30,000/-

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- b. The Sale Deeds were executed between Sundeep Rasiklal Makhecha as Vendor (now deceased) and Munesh Hotilal Thakur (Basement No 1 & 4) and with Mrs. Lalita Lokendrasingh Parihar (Basement No 4). The possession of these shops was with Respondent No. 3 and 5 and has been legal from the date of registration.
- c. The said Electricity connections were originally in the name of Respondent No.4 Sundeep Rasiklal Makhecha, who had given No Objection for transfer the said Electricity Meter in the name of Respondent No.3 & 5. *[Note : The above electric connections were in the name of Nikhil R. Makhecha and not in the name of Sundeep Rasiklal Makhecha].*
- d. The said electric connections were transferred to the names of Respondent No. 3 & 5 on the basis of proper documents of sale deed and share certificate issued by the Society. The question of illegality did not arise, as the Respondent No. 3 & 5 are the owners of these basement shops as per sale deeds. The electricity bills were paid regularly till date.
- e. The Appellant's contention is false, and beyond the legal provisions. Appellant's NOC for transfer of Electricity Meter is not required, as the Appellant is not the owner of the said Shops/basements.
- f. The Appellants' Gift Deed dated 31st December 2010 is not legally valid, and it has been declared as invalid by the executant Sundeep Rasiklal Makhecha by publication in the News Paper Vaibhav Thane dated 14/06/2018, in Navshakti News Paper dated 13/01/2013, and also the Free Press Journal dated 13/01/2020. The press cuttings of these papers are kept on record.


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- g. The Respondent No.2, the Society was satisfied with all papers and documents submitted by the Respondent No. 3 & 5, and thereafter the said society recorded the valid transfer in the name of Respondent No. 3& 5 dated 15/11/2022.
- h. The Appellant was aware about the Agreement for Sale dated 11th May 2005. The Respondent No.4 Sundeep Rasiklal Makhecha (now deceased) through his Advocate had also attended the proceedings before Dy. Registrar Co-Operative Society, “T” Ward Mumbai in Appeal No.1/2018. This appeal filed by the Appellant was also rejected by the Dy. Registrar Co-Operative Society, T Ward Mumbai.
- i. It is also submitted that Respondent No.4 Sundeep Rasiklal Makhecha (now deceased) during his lifetime had filed a police complaint by himself and also through his Advocate/s against his brother, the Appellant Mr. Nikhil Rasiklal Makhecha.
- j. The Respondent No.5 Mrs. Lalita Lokendrasingh Parihar has not adopted any illegal means to get the Electricity Meter transferred in her name. MSEDCL has transferred the said Electricity meters after verifying ownership documents, Society Membership Documents and all other relevant documents needed to show ownership rights and lawful possession of the premises.
- k. In view of the above submissions, the Respondent No. 3 & 5 pray that the representations No.114, 115 & 116 of 2024 of the Appellant be rejected outright with exemplary cost for harassment.
5. The Respondent No.2 (Runwal Commercial Complex Co-op Premises Soc. Ltd.) filed a reply by email on 07.10.2024. Its submissions are as below:


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➤ The society has given NOC to transfer the names of electricity connection to Mr. Munesh Thakur and Mrs. Lalita Parihar, as they are bonafide society members and owners of Basement Gala No. 01, 03 & 04 of Runwal Commercial Complex, LBS Road, Mulund West as per the record of the society. They have been admitted as members on 23rd July 2023, with approval in the Annual General-Body Meeting (AGM). The Society submitted a copy of the resolution passed in AGM as below:

➤ **Resolution No. 12: Any other matters with permission of chair**

1. *Total outstanding dues against basement no.1,3,4 Rs.7,86,414/- and basement no.2 and shop no. 2 Rs.17,01,712/- up to September 2017 which Sundeep R. Makhecha agreed to pay Rs.7,86,414/- within two days and remaining Rs.1,70,712/- be agreed to pay by PDC Cheque by three lack, each by Tuesday 26th September 2017. **Sundeep Makhecha declared that he has not gifted or transferred basement no. 1,3& 4 to Nikhil Makhecha, he has been trying to create illegal rights in above said my properties. I wish consider to transfer basement no. 1,3 & 4 to Mr. Lokendra Singh Parihar after pay the dues of Rs,7,86,414/- Sundeep Makhecha will submit indemnity bond and search report to establish his legal right over the said properties to be transfer after paying outstanding dues. Contact No. Sundeep R. Makhecha -845497479, Advocate No. Anuradha Pardeshi – 9967831111, 9920035573, Lokendra Singh Parihar-M 9892458336.***

➤ The Society sent copies of the concerned share certificates as below:

Table 3:


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Reg. No. MAUG/WT/GEN/8412/2005-06 of 2005						
Original Name in Share certificate	Original Date	Transfer Fee Paid	Name of Transferee	Shop of Basement	Date of Transfer	Folio No.
Sundeep R.Makhecha	09-05-2011	Rs. 75000/- paid on 26.09.2017 towards Shop No.1, 3 & 5 of Basement	Munesh Hotilal Thakur	No.1	15/11/2022	171
Sundeep R.Makhecha	09-05-2011		Lalita Lokendrasingh Par	no.3	15/11/2022	170
Sundeep R.Makhecha	09-05-2011		Munesh Hotilal Thakur	No.4	15/11/2022	172

The Respondent No.2 prays that the Electricity Ombudsman (Mumbai) may take appropriate decision in the matter.

6. The Respondent No.1 MSEDCL was directed to inspect the premises and confirm the occupancy in basement shops 1 & 4 and 3. The Respondent No.1 by its email dated 22/10/2024 confirmed that the Respondents No. 3 & 5 are in occupation of basement shops 1, 4 and 3 respectively. The Respondent No. 1 also sent Consumer personal ledgers of the connections for the record.

Analysis & Ruling

7. Heard the parties and perused the documents on record. This is basically an ownership dispute between the Appellant and Respondents no. 3 & 5. While the Appellant claims that the original owner (his brother) executed a gift deed in his favor, the Respondents claim that they purchased these properties from the original owner through registered sale deed. It is notable that while the sale deeds were executed in May 2005, the gift deed was allegedly executed on 31.12.2010.


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8. The Appellant, Nikhil R. Makhecha was the original consumer of the Respondent No. 1 from 28/01/2019 having three commercial connections. Details of consumer numbers, sanctioned load, date of supply and change of name with the names of the new consumers are tabulated in Table 1.

9. The Appellant contended that Basement Shops No. 1, 3 and 4 (built up area about 425 sq. feet area each) in Runwal Commercial Complex Co-op Premises Soc. Ltd. were in the name of his real younger brother Sundeep Rasiklal Makhecha from 2005. A Deed of Gift was executed on 31.10.2010 between the brothers Sundeep Rasiklal Makhecha and Nikhil Rasiklal Makhecha, which was registered on 19.01.2011 with the Sub registrar office Kurla, Mumbai. Thus Appellant is the legal and absolute owner and in peaceful possession of the Basement Shop No. 1, 3 and 4 in Runwal Commercial Complex Co-op Premises Soc. Ltd. from the year 2011. The Appellant by letter dated 20.01.2011 informed the Society that the original owner had transferred his ownership rights vide the above gift deed and requested the society to transfer the share certificates from his name by numerous letters to the Society from 2011 to 2015, however, the Society did not comply. *[Note: The Appellant did not submit any documents in evidence of such a letter dated 20.01.2011]*

The Appellant filed an appeal on 05.05.2018 before the Asst. Registrar, Cooperative Societies, T Ward, Mumbai for getting society membership against the three galas. However, the Asst. Registrar by his order dated 27.01.2022 rejected the appeal, holding the sale deeds of the Respondents as valid.

The Appellant applied for new electric connections for the said shops in the year 2018, which were released on 28.01.2019 as charted in Table 1. The electricity meter


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connections were transferred in the name of Munish Hotilal Thankur and Lalita Lokendra Singh Parihar (as shown in Table 1) illegally without informing him / taking permission or NOC from him. He claims that the Respondents No. 3 & 5 are claiming rights in the said property with illegal and bogus documents to deprive him of his legal rights.

The Appellant has filed a revision application (no. 624 of 2023) before the Divisional Joint Registrar, Cooperative Societies, Mumbai Division.

10. The Respondent 1 MSEDCL contended that the Appellant was the original consumer of the Licensee from 28/01/2019 for the three commercial connections. New consumers (Respondents No. 3 & 5) applied for transfer of name of these electricity connections on 01.08.2023 on the MSEDCL Web Self Service portal online, and also submitted hard copies of the required documents at the Subdivision office on 28.08.2023, including Registered sale deed along with Index II, NOC dated 23.07.2023 of the Society, the Society maintenance receipts for the month of July 2023 onwards, Share Certificates of the Society, Order No. 01/2018 dated 27.01.2022 of Dy. Registrar Cooperative Society T Ward Mumbai. After verification and on the strength of these documents, change of names was approved on 06.09.2023 as charted in Table 1, which were reflected in the subsequent bills of Oct. 2023.

11. The Respondent No. 1 referred to the Practice Direction dated 26.12.2023 issued by the Commission in Supply Code & SOP Regulations 2021 in its support, which is referred in Para 2 (iv), which clearly indicates that a bill for power supply cannot be treated or utilized as proof that the premise is an authorized structure, **nor would the issuance of the bill amount to proof of ownership of the premises.** The consumers' name change was done on


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the basis of valid documents issued by statutory body / Competent Authority, like Share Certificates of Runwal Commercial Complex Co-op Premises Soc. Ltd., Order No. 01/2018 dated 27.01.2022 of Dy. Registrar Cooperative Society T Ward Mumbai and Index II. Hence it was not deemed necessary to take a “no objection certificate” of the original consumer.

12. The Respondent 3 & 5 contended that they have purchased Basement Shop No. 1, 2 & 4 as per Agreement for Sale, deed of confirmation and registered sale deed by paying heavy penalty of stamp duty from 2005 which is charted in Table 2. The Sale Deeds were executed between Sundeep Rasiklal Makhecha as Vendor (now deceased) and Munesh Hotilal Thakur (Basement No 1 & 4) and Mrs. Lalita Lokendrasingh Parihar (Basement No 4). The possession of these shops is with the Respondents 3 & 5 from the date of registration. *[Note: This possession is confirmed by MSEDCL].* The said electric connections had been transferred in the name of Respondent No. 3 & 5 on the basis of proper documents of sale deed and share certificate issued by the Society. The Respondent No.2, the Society was satisfied with all the papers and documents submitted by the Respondent No. 3 & 5, and thereafter the society recorded the valid transfer in their names on 15/11/2022.

13. We find that the Respondent No. 1 transferred the names to Respondent No. 3 & 5 justifiably based on the following valid documents:-

- a) Registered sale deed along with Index II.
- b) No Objection Certificate dated 23.07.2023 of Runwal Commercial Complex Society Co-operative Housing Ltd (Society).
- c) The Society maintenance receipt for the month of July 2023


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- d) Share Certificates of Runwal Commercial Complex Co-op Premises Soc. Ltd.
- e) Order No. 01/2018 dated 27.01.2022 of Dy. Registrar Cooperative Society T Ward Mumbai as per Section 23(2) of the Maharashtra Co-operative Societies Act, 1960. &

The Respondent MSEDCL has pointed out that the Respondent No. 3 & 5 are in physical possession/occupation of the said shops 1 & 4 and 3 respectively.


14. We find that there are allegations and counter allegations by both the parties, and multiple documents submitted by the Appellant and the Respondents to justify their rival claims in the said property. The parties are at liberty to adjudicate their respective rights in the said property by approaching the competent Civil Court. This is clearly a civil dispute. The Regulation 19.22 of CGRF & EO Regulations 2020 provides as below :-

“19.22 The Electricity Ombudsman shall entertain a representation only if all the 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, or a decree or award or a final order has not already been passed by any such court, tribunal, arbitrator or authority;”

The Appellant has filed a revision application (no. 624 of 2023) for ownership of the society before the Divisional Joint Registrar, Cooperative Societies, Mumbai Division which is still pending.


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The Regulation 19.25 of CGRF & EO Regulations 2020 provides 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 sub clauses (a), (b), and (c) unless the Complainant has been given an opportunity of being heard.”

15. We find that the Forum’s order is justified and reasonable. Due to the reasons recorded above, we cannot adjudicate this case at this juncture, it being not maintainable. The Appellant has the liberty to approach the appropriate authority to establish their claim of ownership based on Gift Deed and possession if any.

16. The Representation of the Appellant is rejected and disposed of accordingly.

Sd/
(Vandana Krishna)
Electricity Ombudsman (Mumbai)


(Dilip Dumbre)
Secretary
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