IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 5914 OF 2010

Maharashtra State Electricity Distribution Company Limited, through Executive Engineer, (Rural Division), Gorakshan Road, Akola ...PETITIONER

---VERSUS---

1. Dr. Madhuakr P. Mahajan
   Aged major, Occupation – Practitioner,
   Resident of Radhe Complex, Jawahar Road, Akot.
2. Consumer Grievance Redressal Forum,
   Amravati Zone, Akola, "Vidyut Bhavan",
   Ratanlal Plots, Akola. ...RESPONDENTS

Shri S.V. Purohit, Advocate for the petitioner.

CORAM : AMIT BORKAR, J.
DATED : AUGUST 24, 2022.

ORAL JUDGMENT :

1. The petitioner is challenging the order dated 4th August 2010 in Case No.43 of 2010 passed by the Consumer Grievance Redressal Forum ("CGRF"), thereby directing to pay compensation of ₹26,400/- for the delay in the change of name of respondent no.1.

2. Respondent no.1 was served on 3rd December 2011. However, in spite of the said fact, neither respondent no.1 nor his

advocate has appeared. Therefore, the petition is decided on merits.

3. Respondent no.1 had filed a complaint with CGRF alleging that he purchased premises in the year 1969 from one Radhesham Junjunwala from him after purchasing of premises in September 2000, he applied for a change of name and paid the amount of ₹1,000/- According to him, the petitioner was under obligation to effect change in name in next billing cycle which the petitioner failed to perform, and therefore he filed a complaint before CGRF. The CGRF issued notice to the petitioner, and the petitioner filed a reply stating that the charges were levelled on respondent no.1 as per domestic rate. However, it was only in August 2009 that the amount of ₹2,400/- was claimed under Section 126 of the Electricity Act. The CGRF, after hearing both sides and considering the application, directed the petitioner to pay compensation of ₹26,400/- as per SOP Regulations, 2005. Insofar as the operative part of the order is concerned, it is no dispute that the same has been complied with by the petitioner. Therefore, payment of compensation of ₹26,400/- is the subject matter of this petition.

4. Shri Purohit learned Advocate submitted that the application for a change of name was required to be accompanied by a

transfer document and other documents. Undisputedly, respondent no.1 has not furnished the documents of transfer. He also invited my attention to clause 6.6 of CGRF Regulation, which reads as under:

> *"6.6 The Forum shall not admit any Grievance unless it is filed within two (2) years from the date on which the cause of action has arisen."*

5. The cause of action for raising the grievance accrued on the next billing cycle from the date of application. Respondent no.1 applied in September 2000. The next billing cycle would be October 2000, but the complaint was filed in 2010. No application for condonation of delay was filed. Therefore CGRF was not justified in directing the petitioner to pay the amount of compensation.

6. Even otherwise, the application was incomplete because the transfer document was not annexed along with the application. If that be so, the petitioner could not have been directed to pay the amount of compensation by the CGRF.

7. In view of the above reasons, the order directing the petitioner to pay the amount of compensation of Rs.26,400/-

could not be justified. In the result, I pass the following order:

8. Rule is made absolute in terms of prayer clause (1), which reads as under:

> *"(1) Quash and set aside the impugned order dated 04-08-2010 (ANNEXURE-'F") passed in Case No.43/2010, by the Respondent No.2 and be further pleased to dismiss the grievance of the Respondent No.1 in toto;"*

No costs. Pending civil application (s), if any, stand disposed of.

JUDGE

Wagh