

**BEFORE THE FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
RELIANCE INFRASTRUCTURE LIMITED**

Sr.No. 06/2014 Mr. Chhail S Mistry, L.M.Road, Shivaji Nagar, Near St.Francis School, Borivali West, Mumbai 400 103. Tel. 9860951564.

A/c.No. 102239131, LT-I, North Division.

Minutes of the Meeting dated. 26th March 2015.

PRESENT

1. Mr. Vilas S Dikshit- Chairman
2. Mr. Rajiv Nakhare, Vice President (RInfra) - Member
3. Mr. Satyanarayan Rajhans, Member

On behalf of M/s. Reliance Infrastructure Limited

- 1.Mr. Mritunjay Jha, Sr.Manager (Corporate Legal) Nodal Officer
- 2.Mrs.Smita Rege, Asst Manager,North Division

On behalf of Consumer

- 1.Mr. Chhail S Mistry
- 2.Mr. Vijay Chauhan (Representative)
- 3.Mr. Ramdhani Jaiswal (Tenant)
- 3.Mr. Sahadur Vishwakarma (Brother-Present Registered Consumer)

Present application is filed by Chhail Shivdas Mistry. It is his contention that he is the owner and occupier of a room situated on L.M.Road, Shivaji Nagar, Near St.Francis School, Borivali West .Electric connection was given to this premise through Consumer Account No. 102239131 in his name . It is his grievance that, when he had gone abroad, his brother Sahadur S Vishwakarma illegally got transferred the meter connection in his name. He moved the present application to change the name of the connection in his name.

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This Forum has heard the the applicant, his representative, Nodal Officer and also Sahadur S Vishwakarma.

The applicant submitted that he is the owner and occupier of the said premises and he has given the premises on rent to one Ramdhani. He also produced his tenant Ramdhani before this Forum today. The tenant Ramdhani fairly submitted that he is the tenant of the applicant Chhail Shivdas Mistry.

The Nodal officer submitted that the name was changed prior to 13 years as per the procedures and there was no any complaint since then. However, he is unable to produce the documents on which the said meter was transferred in the name of Sahadur Mistry. The Nodal Officer also submitted that in fact the dispute is between two brothers and the brother of the applicant should be called and he should also be heard.

In view of this submission, this Forum issued a notice to Sahadur Vishwakarma, the brother of the applicant. This Forum also considered his submission while deciding this matter.

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Sahadur S Vishwakarma, in whose name at present the connection is, fairly submitted that at present the said room is in possession of his brother Chhail Shivdas Mistry. It is his contention that his brother Chhail Shivdas Mistry illegally ousted him from the same premises. However, Sahadur Vishwakarma fairly admitted that he has not taken any legal step though he was forcibly and illegally ousted from the said premise.

During the course of argument the applicant Chhail Mistry showed the copy of the plaint of the civil suit no. 1796 of 2010 filed by Sahadur Shivdas Vishwakarma against him City Civil Court at Bombay, Borivali Division at Dindoshi. After the perusal of the copy of this Plaint, it appears that Sahadur Vishwakarma filed his suit against the present applicant Chhail Vishwakarma / Mistry praying there in that he be declared as a joint owner of the said premises and the present applicant Chhail Mistry be restrained from transferring the premises in the name of any other person by issuing the injunction order. It is also prayed in this suit that the defendant (present applicant) be restrained by order of injunction from not creating any third party interest. The applicant also produced the copy of the roznama of the city civil court with respect to the said suit. After the perusal of the same it appears that the suit filed by the Sahadur came to be dismissed for non prosecution.

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During the course of argument, Sahadur Vishwakarma fairly admitted that he filed a suit for declaration and injunction against the present applicant Chhail Vishwakarma / Mistry in the City Civil Court Bombay and came to be dismissed for want of prosecution. Needless to say at present there is no any order of any court in favour of Sahadur Vishwakarma.

Apart from this, as directed by this forum the representative of RInfra visited the spot and verified the facts and also filed the site verification report which clearly indicates that Sahadur Vishwakarma at present is not in possession of the said premises

As observed above, from the submission made before this Forum even Sahadur Vishwakarma has also admitted that at present the said room is owned and occupied by the present applicant Chhail Mistry. Even Chhail Mistry has also produced tenant Ramdhani who has also admitted that he has taken this room on rent from Chhail Mistry. Under these circumstances this Forum is of opinion that the said meter / electric connection should be transferred in the name of the present applicant Chhail Shivdas Mistry. In view of this the following order is passed:-

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ORDER

Application is allowed. This forum directs Reliance Infrastructure Limited to transfer the said meter / electric connection in the name of present applicant Chhail Shivdas Mistry

Dated: 26.3.2015
MIDC, Mumbai

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Vilas S Dikshit
Chairman - CGRF

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Rajiv Nakhare
Member - CGRF

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Satyanarayan Rajhans
Member - CGRF

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