



**VIDUYUT OMBUDSMAN FOR THE STATE OF TELANGANA**  
First Floor 33/11 kV substation, Hyderabad Boats Club Lane  
Lumbini Park, Hyderabad - 500 063

:: Present:: Smt. UDAYA GOURI

Wednesday the Tenth Day of April 2019

**Appeal No. 60 of 2018**

Preferred against Order dt:28.11.2018 of CGRF in  
CG No.532/2018-19 of MBNR Circle

Between

Sri.Mujtaba Hussain Hashmi, Prop: Hasmi Agro Industries, Plot No. C9 and C10,  
Industrial Estate, Mahaboobnagar, Mahabobnagar Dist - 509 001.  
Cell: 8008027801.

... Appellant

**AND**

1. The AE/OP/Mahaboobnagar Town- III/TSSPDCL/Mahaboobnagar Dist.
2. The ADE/OP/Mahaboobnagar Urban/TSSPDCL/Mahaboobnagar Dist.
3. The AAO/ERO/Mahaboobnagar/TSSPDCL/Mahaboobnagar Dist.
4. The DE/OP/Mahaboobnagar/TSSPDCL/Mahaboobnagar Dist.
5. The SE/OP/Mahaboobnagar/TSSPDCL/Mahaboobnagar Dist.

... Respondents

The above appeal filed on 19.01.2019, coming up for final hearing before the Viduyut Ombudsman, Telangana State on 06.03.2019 at Hyderabad in the presence of Abid Hussain Hashmi - Appellant and Smt. R. Yashoda - ADE/OP/Masab Tank for the Respondents and having considered the record and submissions of both the parties, the Viduyut Ombudsman passed the following;

**AWARD**

This is an Appeal filed against the orders in Mahaboobnagar CG No. 532 of 2018-19 on the file of CGRF -1.

2. The Appellant contended that he has filed a complaint before the CGRF Mahaboobnagar vide CG No. 532/2018-19 seeking for change of SC No. 175317662 in the name of Maruthi Engineering Works, Mahaboobnagar to the name of Hashmi Agro

Industries, Industrial Estate, Mahaboobnagar. And in spite of his filing the supportive documents showing that plot No. C-9 and C-10 in which Maruthi Engineering Works firm is located has been gifted to him by its original owner Late Farooq Ali Hashmi, the learned CGRF directed the Respondents to change the name as sought by him on certain conditions and as such the Respondents failed to comply with his request. Hence aggrieved by the same the present Appeal is filed.

3. The averments in the Appeal are to the effect that originally M/s. Maruthi Engineering Works was a partnership firm standing in the name of Y.V. Subbarao, Y. Parthasarathi, Y. Ramesh and his grandfather namely Farooq Ali Hashmi and the said firm was a paddy boiling industry located on the plot No.s C-9 to C-13 measuring 6297.80 Sq Yards. Later the said partnership firm partitioned the same among its partners as such plot Nos. C-11 to C-13 admeasuring 3638.80 Sq Yards fell to the share of Y.V. Subbarao, Y. Parthasarathi and Y. Ramesh while the plot Nos. C-9 and C-10 admeasuring 2659 Sq Yards fell to the share of his grandfather Farooq Ali Hashmi and later his grandfather gifted the plots bearing Nos. C-9 and C-10 to him. He further stated that since he is running a firm by name Hashmi Agro Industries in plot No. C-9 and C-10 he sought for the change of title of the service connection No. 01753 - 17662 into the name of M/s. Hashmi Agro Industries being the proprietor of the said firm but the Respondents are not conceding to his request on the ground that he has to furnish the link documents showing the transfer of title in his favour.

4. The Respondent No.2 on behalf of the Respondents, on the other hand through his letter Lr.No.2723 dt.01.02.2018 contended as follows:-

i. Vide CG No. 532/2018-19 a complaint was registered for Name change for SC No. 01753-17662, M/s Maruthi Engg. works, in Operation Section Town-III/Mahaboobnagar.

ii. Vide CC913181319364, a complaint was received for title transfer in ICSC Mahaboobnagaar bearing SC No.01753-17662, M/s. Maruthi Engg. Works, Category III at Town-III section on dt. 29.06.2018.

iii. Vide Memo No.ADE/OP/MBNR Urban/F.No.ICSC/D.No.53218 dt.09.07.2018 after verification of the documents, the complaint was rejected due to not enclosing proper linked documents to title transfer as per the guidelines communicated vide Memo No.CGM(Comml)/GM(CSS)/Cor.Off/HYD/F.No.13/D.No.482/2013 Dt.17/09/2013 and Lr.No.GM(CS)/D.No.54//2007 dt.16.07.2007.

iv. Vide Lr.No.ADE/OP/MBNR Urban/D.No.1180 Dt.03.11.2018, the consumer has approached to DE/OP/Mahaboobnagar and the same copy has received by this office marking to take necessary action.

By obeying the orders, once again verified the documents and observed that the linked documents are not clear. Hence rejected the complaint.

v. Vide MBNR C.G.No.532/18-19 dt.28.11.2019, the Chairperson CGRF-I Hyderabad has issued orders as "The Respondents are directed to process the name change application of the complainant duly obtaining the NOC from the remaining partners of M/s Maruthi Engg. Works, Mahaboobnagar and the legal heirs of the Late Sri. F.A.Hashmi, the same was intimated to the Applicant vide LR.no.ADE/OP/MBNR Urban/D.No.2355 dt.02.01.2018.

5. In the face of the said contentions by both sides the following issues are framed:-

1. Whether the Appellant is entitled for changing the title of SC No. 01753-17662 standing in the name of M/s. Maruthi Engineering Works, in the name of Hashmi Agro Industries? And
2. What relief.

#### **Issue No.1**

6. A perusal of the written and oral submissions of both sides admittedly show that originally M/s. Maruthi Engineering Works was located in plot Nos. C-9 to C-13 consisting of 6297.80 Sq Yards originally belong to the partners Y.V.Subbarao, Y. Parthasarathi, Y. Ramesh and F.A.Hashmi. And that the said partners purchased the said property from APIIC in the name of M/s. Maruthi Engineering Works vide document No. 2760 of 1990. Later the said partners have partitioned the property, on which Maruthi Engineering Works was located, amongst themselves vide document No. 693/91/1 dt.29.01.1991 and under the said partition deed Plot No.C-11,12 & 13 admeasuring 3838.80 Sq Yards fell to the share of Y.V. Subbarao, Y. Parthasarathi and Y. Ramesh while Plot Nos. 9 & 10 admeasuring 2659 Sq Yards fell to the share of Sri. Farooq Ali Hashmi and the said partition deed permitted Mr. Farooq Ali Hashmi to run his firm in the name of M/s. Maruthi Engineering Works for the purpose of his convenience and to change the name as per his requirements, but the said Farooq Ali Hashmi continued in Plot No. C-9 and C-10 without changing the name of the firm

M/s. Maruthi Engineering Works and as such continued the usage of service connection No. 01753-17662. The said Farooq Ali Hashmi is alleged to have executed a gift deed in the year 2010 in favour of the Appellant herein.

7. A perusal of the said gift deed executed by Sri. Farooq Ali Hashmi shows that the same is an unregistered document and the same also did not mention that he has given rights over M/s. Maruthi Engineering Works in favour of the Appellant herein under the said gift deed. As such the Respondents objected to the request of the Appellant to change the title of the service connection No. 01753-17662 from M/s. Maruthi Engineering Works to that of Hashmi Agro Industries, contending that they require the consent of the original partners of M/s. Maruthi Engineering Works and also the legal heirs of Farooq Ali Hashmi.

8. The Appellant on the other hand contended that he has complied with all the formalities required by filing the following documents:-

- i. Test Report
- ii. Transfer application
- lii. Indemnity Bond
- iv. Copy of sale deed
- v. Copy of partition deed
- vi. Death certificate of my grandfather
- vii. Family members certificate
- viii. Copy of Aadhar
- ix. Factory License
- x. GST Registration Certificate
- xi. CC bill and receipt of April, 2018
- xii. Gift Deed (U/R) with translation
- xiii. Copy of Supreme Court Judgement
- xiv. D.D for Rs 60/-

and further contended that as per Mohammedan Law every muslim can dispose his property by virtue of a gift either in part or as a whole and there is no restriction on the same. Hence when his grandfather has executed the gift deed and since the original partners of M/s Maruthi Engineering Works has sold away their share of the partitioned properties to third parties i.e. Sunitha Bed Works( Plot No. C-11), Swapna Bharat Gas Agency Godown (Plot No. C-12) and Srirama Engineering (Plot No.13), there is no necessity for him to obtain the consent or signatures of the original

partners who do not exist anymore on plot No.s C-11 to C-13 nor from the present owners of plot Nos, C-11 to C-13 who have no connection with M/s. Maruthi Engineering Works. He also contended that since his Grandfather has executed a gift deed in his favour, he need not even obtain the consent of the legal heirs of his Grandfather Farooq Ali Hashmi.

9. Admittedly the original owners of M/s. Maruthi Engineering Works do not exist in the property i.e. Plot Nos. C-11 to C-13 in view of the sale of the said plots to the third parties. The partition deed amongst the partners of M/s. Maruthi Engineering Works have themselves consented in favour of Farooq Ali Hashmi to change the name of M/s. Maruthi Engineering Works if Mr. Farooq Ali Hashmi wanted to do so. Which goes to show that the said partners have conceded their authority over M/s. Maruthi Engineering Works in favour of Mr. Farooq Ali Hashmi, and as such since the Appellant is claiming his right through Mr. Farooq Ali Hashmi, there is no need for him to obtain any consent or No Objection from them as demanded by the Respondents.

10. A perusal of the contentions of the Appellant go to show that his claiming his title over Plot Nos. C-9 and C-10 and M/s. Maruthi Engineering Works under a gift deed alleged to be executed by Mr. Farooq Ali Hashmi and is claiming that Mr. Farooq Ali Hashmi had arrived to gift his property to the Appellant herein under Mohammedan law. Admittedly under the Mohammedan law a Muslim can gift all his property or a part of his property, as contended by the Appellant herein and as such there is no legal barrier on that aspect, but what is to be considered is whether the said Gift Deed produced by the Appellant is an authenticated document? Admittedly the said document i.e. the Gift Deed under which the Appellant is claiming his title over the service connection bearing No. 01753-17662, standing in the name of M/s. Maruthi Engineering Works, is not a registered document and hence cannot be termed as an authenticated document. Hence the Appellant in order to establish his rights under the Gift Deed alleged to be executed by Farooq Ali Hashmi has to get the said document registered by taking the required steps or produce documents from the legal heirs of Farooq Ali Hashmi showing that the said Gift Deed is executed by Farooq Ali Hashmi and that they have no objection on the Appellant claiming his rights over the service connection bearing No. 01753-17662 standing in the name of M/s. Maruthi Engineering Works so as to avoid further title complications on the said aspect and hence the Respondents rightly demanded the consent of the other legal heirs by way of No Objection for changing the title of service connection No. 01753-17662 standing

in the name of M/s. Maruthi Engineering Works into the name of Hashmi Agro Industries belonging to the Appellant, located at Plot Nos. C9 & C-10. As the said document being an unregistered document does not bestow any title on the Appellant as it stands. Hence decided this issue against the Appellant.

**Issue No.2**

11. In the result the Appeal is dismissed and the orders of the CGRF in MBNR CG No. 532/2018-19 dt. 28.11.2018 is herewith confirmed.

TYPED BY Office Executive cum Computer Operator, Corrected, Signed and Pronounced by me on this the 10th day of April, 2019.

**Sd/-**  
**Vidyut Ombudsman**

1. Sri.Mujtaba Hussain Hashmi, Prop: Hasmi Agro Industries, Plot No. C9 and C10, Industrial Estate, Mahaboobnagar, Mahabobnagar Dist - 509 001.  
Cell: 8008027801.
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**Copy to :**

7. The Chairperson, CGRF-I,TSSPDCL,GTS Colony, Vengal Rao Nagar, Hyderabad.
8. The Secretary, TSERC, 5<sup>th</sup> Floor Singareni Bhavan, Red Hills, Lakdikapul,Hyd.