

		Date	Month	Year
1	Date of Receipt	13	10	2023
2	Date of Registration	16	10	2023
3	Decided on	08	12	2023
4	Duration of proceeding	56 days		
5	Delay, if any.	—		

**BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM**  
**B.E.S. & T. UNDERTAKING**

(Constituted under section 42(5) of Electricity Act 2003)

Ground Floor, Multistoried Annex Building,  
BEST's Colaba Depot  
Colaba, Mumbai - 400 001  
Telephone No. 22799528

**Grievance No.FS-488-2023 dtd. 16/10/2023**

Shri Babaji Baban Galande .....Complainant  
V/S

B.E.S.&T. Undertaking .....Respondent No. 1

Shri Revji Baban Galande ..... Respondent No. 2

**Present**

Chairman

Coram : VACANT

Member

1. Smt. Anagha A. Acharekar, Independent Member  
(Acting Chairman)
2. Smt. Manisha K. Daware, Technical Member

On behalf of the Complainant : 1. Shri Babaji Galande

On behalf of the Respondent (1) : 1. Shri S.S. Mairh

On behalf of the Respondent (2) : 1. Shri Prakash R. Galande

Date of Hearing : 01/12/2023

Date of Order : 08/12/2023

### Judgment

- 1.0 The complainant Shri Babaji Baban Galande residing at "Room no. 17, Girija Shankar Tiwari Chawl, T.J. Road, Sewree, Mumbai - 400 015" has grievance that Distribution Licensee / Respondent No. 1 has illegally removed his name from consumer a/c no. 705-550-022 and retained old name of his father Late Shri Baban Shankar Galande without following due process of law. The complainant has requested in the instant complaint that the said change in consumer-name be set aside and the complainant's name be restored as consumer of the said electric connection.
- 2.0 The case of the complainant may be stated as under :
- a) The complainant Shri Babaji Baban Galande stated that he had purchased the premises in question in 1979. Since then he is residing in this premises with his family. He also mentioned that the Ration Card had been issued to him wherein the same address is written. However, on the purchase document, his father Shri Baban Shankar Galande has overwritten his own name by erasing his name through his nephew Shri Dhondiram Balwant Borchate.
  - b) The complainant further mentioned that initially the electricity connection bearing consumer no. 705-550-001 was registered in the name of his father as father was elder person in the family. Late Shri Baban Galande died 07/05/2021 leaving behind his three sons namely Shri Babaji Galande, Shri Revji Galande and Shri Devram Galande.
  - c) The complainant Shri Babaji Galande applied for change of name in electricity bill on 23/03/2016. He mentioned that as per the terms and conditions of the Respondent No. 1, he had submitted the required documents for the change of name process through his agent. He further mentioned that he had only attached documents of this house ownership and residence with the said transfer application and stated that he did not file any NOC of his father along with the said application for transfer of electricity consumer number in his own name.
  - d) On the basis of the documents filed by the complainant, the Respondent No. 1 transferred the name of Shri Baban Shankar Galande (a/c no. 705-550-001) to his name (a/c no. 705-550-022).
  - e) The complainant further mentioned that the Respondent No. 1 intimated him regarding the objection raised for change of name by Shri Baban Shankar Galande, however he did not attend the hearing scheduled on 28/11/2017 by the Respondent

No. 1. He tried to clarify that at the time hearing his father Shri Baban Galande was absent as he himself consented for the change of electricity consumer name and the decision to change the name was entirely of his father Shri Baban Shankar Galande. He further stated that during the hearing, the documents submitted by him for change of name were scrutinized by the Respondent No. 1 and his name was retained as it is.

- f) It was contention of the complainant that after gap of 7 years i.e. on 21/06/2023 the Respondent No. 2 has raised his objection for the change of name (consumer no. 705-550-022) which took place in 2017 with ill motive to put pressure tactics upon him to relinquish his right, title in the ancestral property at his native place. The complainant stated that the said room situated at Sewree is under the slum development scheme. The complainant has alleged that the Respondent No. 2 has filed the said complaint with the sole intention to create evidence in his favour.
- g) He further alleged that the Respondent No. 2 has filed complaint at Kidwai Nagar Police Station as well to Respondent No. 1 dtd. 21/06/2023 on Rs. 100/- stamp paper. The stamp paper was purchased on 03/07/2023 which was signed by the Respondent No. 2 on 14/02/2023 and also registered vide notary no. 2020 at page no. 203 on dtd. 14/02/2023 by Advocate Shri M.D. Yadav. This clearly shows that the complaint of 14/02/2023 was been affirmed on oath before 4 months ago i.e. prior to purchase of the stamp paper on 03/07/2023. This prima facie shows that said complaint is itself illegal and also amounts to forgery as registered in back dated.
- h) He further mentioned that in site visit conducted on 08/07/2023 by the Respondent No. 1, his actual possession was proved. Hence, the decision communicated by the Respondent No. 1 dtd. 10/08/2023 is wrong and without reference to any documents. He stated that he was not given sufficient opportunity to respond to the objection taken by the Respondent No.2 dtd. 21/06/2023 for changing his said electricity consumer number.
- 3.0 The Respondent No. 1 has filed its reply before this Forum. Their case may be stated as under :
- a) Initially the A/c No. 705-550-001 was in the name of Shri. Babn Shankar Galande for the premises having address Room No. 17, Girija Shankar Tiwari Chawl, T.J.Road, Sewree, Mumbai-400015. Vide requisition no. 2694936 dtd. 23/03/2016, the applicant Shri Babaji Baban Galande applied for Change of Name for the A/c no. 705-550-001 along with the following documents:
- a. Self attested Authority Letter of Shri Babaji Baban Galande.
  - b. Paid Electricity bill for the A/c. no. 705-550-001 in the name of Shri Baban Shankar Galande.



- c. Pan Card, Election Card & Aadhar Card of Shri Babaji Baban Galande.
- d. Letter from Girija Shankar Tiwari Chawl Committee stating that they have No Objection in changing the name from Shri Baban Shankar Galande to Shri Babaji Baban Galande.
- e. Affidavit cum No Objection Certificate (NOC) of Shri Baban Shankar Galande (father).
- b) The Respondent No. 1 stated that on the basis of above documents, Change of Name of A/c No. 705-550-001 was done from Shri Babn Shankar Galande to Shri Babaji Baban Galande with New Consumer (A/c no. 705-550-022) in the month of March, 2016.
- c) The Respondent No. 1 had received a complaint/objection letter dtd. 09/03/2017 from Shri Baban Shankar Galande. The said letter includes zerox copy of election card and documents related to a name change process for consumer number 705-550-001. The complaint alleged irregularities in the Change of Name process, specifically regarding the submission of a forged signature instead of a thumb impression on the affidavit cum NOC (No Objection Certificate) submitted by Mr. Babaji Baban Galande.
- d) It was stated by the Respondent no. 1 that on 08/06/2017 Site inspection was done to verify the physical occupancy of the premises. During the inspection, it was confirmed that Shri Babaji Baban Galande with his family was residing in the specified premises. The documents submitted by Shri Babaji Baban Galande were also scrutinized.
- e) A hearing was scheduled on 28/11/2017, however Shri Babaji Baban Galande and Shri Baban Shankar Galande did not attend the hearing. Hence the Ex-parte decision was informed vide letter dtd. 27/12/2017 to both the parties. Since, the occupancy proof and related papers were with Shri Babaji Baban Galande the consumer no. 705-550-022 was retained in name of Shri. Babaji Baban Galande.
- f) The Respondent No. 1 further mentioned that they received complaint letter from Shri. Revji Baban Galande on 21/6/2023 objecting that forged documents were submitted by Shri Babaji Baban Galande for Change of Name on ancestral property by illegal way. Also he said that chawl committee letter signed by Shri Sanjay A Patil, Secretary is not the resident of chawl committee and signed as Secretary and misguided BEST Undertaking. Besides that Shri. Babaji Baban Galande has submitted NOC of Shri. Baban Shankar Galande with forged signature instead of thumb thereby misleading /misguided BEST Undertaking. He further requested us to revert the electricity bill in the name of Shri Baban Shankar Galande OR Shri Revji Baban Galande.
- g) The Respondent No. 1 also stated that again site investigation was done on 8/7/2023 and observed that Shri Babaji Baban Galande is residing at the said premises.
- h) It was stated by the Respondent No. 1 that Shri Revji Baban Galande sent complaint in Affidavit Form dtd. 26/7/2023 to BEST Undertaking and R.A. Kidwai police station stating that forged document executed by Shri Babaji Baban Galande, requesting all

the personnel to register FIR against Shri Babaji Baban Galande under offence of forgery and cheating and take hard legal action and initiate investigation and take proper steps against offender.

- i) The Respondent No. 1 submitted that in view of above the administrative decision is taken that the consumer no. 705-055-001(old) and 705-550-022 (new) is reverted in the name of old consumer Shri Baban Shankar Galande vide RECID No.8214383 dtd.25/8/2023.
- 4.0 The Respondent no. 2 has submitted his authority letter in the name of his son Shri Prakash Revji Galande to represent his case before the Forum. The Forum has accepted and allowed Shri Prakash Galande to represent the case of the Respondent no. 2. The case as pleaded by the representative of the Respondent No. 2 in the course of hearing may be summarized as under.
  - a) The representative of the Respondent No. 2 stated that the premises in question was purchased by Shri Baban Shankar Galande in 1979. He also alleged that the complainant has submitted forged documents and misled the Respondent No. 1 at the time of change of name.
  - b) The representative of the Respondent No. 2 stated that the Respondent No. 2 used to take care of his parents. He further stated that Shri Baban Galande has mentioned in his Affidavit, Gift Deed and Last Will that the rights and titles of the premises in question are to be given to Shri Revji Baban Galande.
  - c) The representative of the Respondent No. 2 further stated that Shri Baban Galande, had made an application under RTI dtd. 27/06/2016 regarding change of name to the Respondent No. 1. After obtaining the reply from the Respondent No. 1 under RTI, he lodged the complaint on 09/03/2017 mentioning that Shri Babaji Galande has submitted NOC with his forged signature to the Respondent No. 1 for change of name.
  - d) In view of above, the representative of the Respondent No. 2 has stated that the Respondent No. 1 has correctly transferred the name of Shri Babaji Baban Galande to Shri Baban Shankar Galande.
- 5.0 We have heard the submissions of parties and noted their submissions as above. In view of the above submissions of the parties and case pleaded by them, the following points arise for determination, on which we record our findings as under, for the reasons to follow.

*M. Anand*  
*Shankar*



Sr. No.	Points for determination	Findings
1	Whether the decision of the Respondent No. 1 about the change of consumer name from the complainant to the original consumer is legal and valid?	In affirmative.
2	Whether the complainant is entitled to get its name restored as consumer in respect of the aforesaid electric connection and consumer account?	In negative.
3	To what relief, if any, the complainant is entitled from this forum and what order is required to be passed to dispose of this grievance application?	The complaint will have to be dismissed.

**6.0 We record reasons for aforesaid findings as under :**

- a) We have noted the contentions of the parties as mentioned by them in their pleadings as well as in their oral submissions. We have also perused the documents submitted by the parties on record in the course of hearing.
- b) We have noted the admitted facts in Para-2 herein earlier. In view thereof, it can be said that there is an electric connection was given by the Respondent No. 1 to the said premises in 1982. The said connection under consumer a/c no.705-550-001 was in the name of Late Shri Baban Shankar Galande in respect of the premises described in the electric bill as "Room no. 17, Girija Shankar Tiwari Chawl, T.J. Road, Sewree, Mumbai - 400 015." The complainant, Shri Babaji Shankar Galande made an application for change of name to the Respondent No. 1 vide requisition no. 2694936 dtd. 23/03/2016. On the basis of the documents mentioned in para 3.0 submitted by Shri Babaji Shankar Galande, the Respondent No. 1 changed the name of Late Shri Baban Shankar Galande to Shri Babaji Baban Galande.
- c) It is observed by the Forum that there is overwriting on the purchase document dtd. 30/06/1979 on stamp paper of Rs. 5 submitted by the complainant regarding the purchase of the premises from Shri Maruti S. Walunj. Hence, the ownership of the premises remains in question.
- d) On realization of this change of name, the Respondent No. 2 Shri Revji Baban Galande with strong objection for this change of name approached to the Respondent No. 1 stating that the complainant has submitted fake documents i.e. signed NOC of Late Shri Baban Galande and NOC of society.

*Handwritten signature*

*Handwritten signature*

- e) It was admitted fact by both the parties that Late Shri Baban Shankar Galande is never used to sign the document but used to give thumb impression. On enquiry during the course of hearing it was admitted by the complainant that the NOC submitted at the time of change of name is submitted by his agent and not by him.
- f) The Respondent no. 2 submitted copies of the documents which includes (i) Affidavit, (ii) Gift Deed (iii) Last Will in the name of Shri Revji Baban Galande etc. On going through the Affidavit, Gift Deed and Last Will of Shri Baban Galande, submitted by the Respondent No. 2 Shri Revji Galande it is observed that Shri Baban Galande has given all rights and titles in the name of Respondent No. 2 Shri Revji Galande.
- g) It is also observed by the Forum that the NOC submitted by the complainant to the Respondent No. 1 was forged and also the Affidavit submitted by the Respondent No. 2 was illegal. In this regard, the Forum is of the opinion and expected an action against the complainant and Respondent No. 2 on submission of forged and illegal documents. Also it is noticed that the Respondent No. 1 has not given opportunity to the complainant to present himself against the complaint made by the Respondent No. 2 and unilaterally took the decision of change of name.
- h) Thus, on the basis of the aforesaid facts and documents, which were available at the time of considering the application of the Respondent No. 2, we find that there were sufficiently justifiable grounds to change the name of the complainant by substituting the name of the original consumer i.e. Late Shri Baban Shankar Galande in place of the name of the complainant as consumer of the aforesaid electric connection.
- i) Thus we have recorded affirmative findings on point No.(1) and negative findings on point No.(2) and accordingly the present record of consumer name is not required to be disturbed. In view of the above findings, we hold that at present the complainant is not entitled to get its name restored as consumer in respect of the electric connection and consumer account involved in this case. Therefore, we also hold that the instant grievance application is liable to be dismissed. Accordingly, in these terms the instant Grievance application will have to be dismissed as is being directed in the operative order being passed herein below. Accordingly, we have answered the point (3). Hence we pass the following order.

ORDER

1.0 The grievance no. FS-488-2023 dtd. 16/10/2023 stands dismissed.

2.0 Copies of this order be given to all the concerned parties.



(Smt. Manisha K. Daware)  
Technical Member



(Smt. Anagha A. Acharekar)  
Independent Member  
(Acting Chairman)

(Vacant)  
Chairman