

		Date	Month	Year
1	Date of Receipt	05	10	2023
2	Date of Registration	06	10	2023
3	Decided on			2023
4	Duration of proceeding	—		
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-487-2023 dtd. 06/10/2023

Shri Baburao S. Bedarkar

.....Complainant

V/S

B.E.S.&T. Undertaking

.....Respondent No. 1

Shri Vishwanath B. Bedarkar

..... 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 Ajay Shrivastav
2. Shri Baburao Bedarkar

On behalf of the Respondent (1) : 1. Shri Prashant Gadankush

On behalf of the Respondent (2) : 1. Shri Vishwanath Bedarkar

Date of Hearing : 21/11/2023

Date of Order : 01/12/2023

[Handwritten signature]

Judgment

- 1.0 The complainant has grievance about Respondent No. 1/Licensee's decision of change of name of consumer from complainant's name to the name of the original consumer i.e. Late Shri Shankar R. Bedarkar in respect of the electric-connection bearing old consumer a/c no. 574-167-027 and regarding complainant's premises, described in the electric bill as "1, ground floor, 3, Krishna Bldg., Dr. Batliwala Road, Near KEM Hospital, Parel, Mumbai - 400 012." This change was effected in the month of October 2023. After the change of name, the consumer number has been changed to a/c no. 574-167-042 in the name of Late Shri Shankar R. Bedarkar. 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 till the order of Civil Court is issued.
- 2.0 The case of the complainant may be stated as under :
- a) The complainant Shri Baburao Shankar Bedarkar stated that the premises in question is in the name of his father, Late Shankar Bedarkar. Late Shri Shankar Bedarkar died in 2002 leaving behind his three sons namely Shri Baburao Bedarkar, Shri Manohar Bedarkar and Shri Dattatray Bedarkar and a daughter. After the death of Late Shri Shankar R. Bedarkar, the complainant Shri Baburao Shankar Bedarkar applied for change of name in electricity bill. 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.
- b) The complainant further mentioned that Respondent No. 2, Shri Vishwanath B. Bedarkar is his elder son, who is not looking after them and torturing them. There is a family dispute going on between the complainant and his elder son Shri Vishwanath Bedarkar, Respondent No. 2 for which they have lodged complaint in Metropolitan Magistrate, 29th Court, Dadar, Mumbai and Civil Court and also made a complaint to Deputy Collector office. Currently the Respondent No. 2 is not residing with them.
- c) As per the submission of the complainant, the documents and information therein submitted at the time of change of name are true and valid. He has also mentioned that the Respondent no. 2 is pressurizing them to withdraw both the cases and hence has made complaint against them.
- 3.0 The Respondent No. 1 has filed its reply before this Forum. Their case may be stated as under :
- a) Initially, for the premises having address Ground Floor, Room No 1, Krishna Building 3 Dr. Batliwala Road, Parel Mumbai-400 012 the meter was installed on 05/11/1966 in

the name of Shri Shankar R. Bedarkar and thereafter it was transferred in the name of Shri Baburao Shankar Bedarkar on 10/04/2023 with the new A/c No. is 574-167-042. The Respondent No. 2, Shri Vishwanath Baburao Bedarkar had made RTI application dtd. 22/06/2023 in respect of Change of Name of consumer account No. 574-167-027 for the premises in question.

- b) The complainant Shri Baburao Shankar Bedarkar applied for Change of Name vide requisition no. 8047044 dtd. 10/04/2023 for the A/c no. 574-167-027 along with the following documents:
- i) Electricity bill for the A/c. no. 574-167-027 in the name of Shri Shankar R. Bedarkar.
 - ii) Death Certificate of Shri Shankar Ramchandra Bedarkar-(previous registered consumer, father of the complainant).
 - iii) Death Certificate of Smt. Bhagirathi Shankar Bedarkar (mother of the complainant).
 - iv) Aadhar Card no. 7811-1680-4465 of Shri Baburao Shankar Bedarkar
 - v) Pan Card, Election Card & Senior Citizen ID card of Shri Baburao Shankar Bedarkar.
 - vi) Ration Card no. 824210 in the name of Shri Baburao Shankar Bedarkar.
 - vii) Affidavit Cum Bond Cum Declaration(Family Tree Bond) having notary register no.12 Sr. No. 5384 page no. 82 dtd. 06/04/2023.
- c) On the basis of above documents, the Respondent No. 1 initiated the change of name process for A/c No. 574-167-027 from Shri Shankar R. Bedarkar to Shri Baburao Shankar Bedarkar (New Consumer A/c no. 574-167-042) in the month of April, 2023. Subsequently, final bill of Shri Shankar R. Bedarkar was generated in the same month.
- d) On noticing the change of name as above, the Respondent No. 2 Shri Vishwanath Baburao Bedarkar filed 1st RTI application on dtd. 22/06/2023 wherein he requested to give detail papers about Change of Name done for A/c No. 574-167-042 and Meter No. 2271591. In reference to this, on dtd.13/07/2023, reply alongwith relevant papers were handed-over to Shri Vishwanath Baburao Bedarkar.
- e) In addition to above, Shri Vishwanath Baburao Bedarkar submitted complaint letter vide inward No. 1208420 dtd. 22/06/2023 mentioning that forged documents were submitted by Shri Baburao Shankar Bedarkar for carrying out Change of Name. Again, another objection /complaint letter received by Respondent No. 1 from Shri Vishwanath Baburao Bedarkar alongwith documents (power of attorney, affidavit cum declaration, old and new electricity bills, Order of Collector, Order of Dy. Collector, General Power of Attorney, affidavit cum declaration & partition deed) given by Shri Shankar Ramchandra Bedarkar, kaboolinama dtd. 04/03/1990.

- f) Accordingly, site inspection was carried out on 14/07/2023, it is found that Shri. Baburao Shankar Bedarkar and Smt. Shantabai Baburao Bedarkar and son Shri Vishwanath Baburao Bedarkar were physically present in the premises.
- g) The Respondent No. 1 further submitted that as per inspection report, objection raised by Shri Vishwanath Baburao Bedarkar and Undertaking given at the time of process of Change of Name application by the complainant, the name has been reverted from Shri Baburao Shankar Bedarkar to Shri Shankar R. Bedarkar.
- h) In view of the above, in its reply the Respondent no. 1 has submitted that the BEST Undertaking has maintained the status quo in the name of Shri Shankar R. Badarkar bearing consumer A/c No. 574-167-042 on the basis of all documentary evidences submitted by the Respondent No. 2 Shri Vishwanath Baburao Bedarkar.
- 4.0 The Respondent No. 2 has filed his reply and has submitted that the instant grievance application has no merits and it is liable to be dismissed. The case as pleaded by the Respondent No. 2 in the course of hearing may be summarized as under.
- a) The Respondent no. 2 has submitted that the complainant has submitted forged documents and misled the Respondent No. 1 at the time of change of name.
- b) As per the Respondent No. 2, the premises in question is in the name of his grandfather Late Shri Shankar R. Bedarkar. His grandfather had purchased this premises in 1970 and since then till 13/04/2023 the electricity bill was on his grandfather's name. The complainant has prepared forged documents with the help of agent and got the name transferred. On realization of grave forgery, he made an application regarding change of name under RTI to the Respondent No. 1. After obtaining the reply from the Respondent No. 1 under RTI, he got the change of name done from Shri Baburao Bedarkar to Late Shri Shankar Bedarkar by submitting Affidavit cum Declaration, old and new electricity bills, Order of Collector, Order of Dy. Collector, General Power of Attorney & Partition Deed.
- c) The Respondent No. 2 has alleged that the complainant Shri Baburao Bedarkar has lodged complaints in police station, Dy. Collector and in the Court of Metropolitan Magistrate 29th Court, Dadar against him regarding family disputes. He also alleged that the complainant is lying about the decree of the Court of Metropolitan Magistrate, 29th Court, Dadar. The complainant has appealed in the Civil Court against the verdict of Court of Metropolitan Magistrate and the case is pending in Civil Court.
- d) Shri Vishwanath Bedarkar further stated that the family tree submitted by the complainant is also not correct. The mention of the complainant that his two brothers

namely Shri Manohar Bedarkar and Shri Dattatray Bedarkar have received their share and he has not received any share from his father i.e. Late Shri Shankar Bedarkar is not true. He has requested the Forum to go through all the supporting documents submitted by him to prove himself against the complainant Shri Baburao Bedarkar.

- e) Shri Vishwanath Bedarkar has submitted that due to mental agony and daily family disputes he has shifted his residence with his family and residing on rental basis.

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.

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 with liberty to the complainant to file fresh application to the Respondent No. 1 for change of name, after the rights of the parties are settled finally in the proceedings of Civil Court.

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 1966. The said connection under consumer a/c no.574-167-027 was in the name of Late Shri Shankar R. Bedarkar in respect of the premises described in the electric bill as "1, ground floor, 3, Krishna Bldg., Dr. Batliwala Road, Near KEM

Attorney *Shankar*

Hospital, Parel, Mumbai - 400 012." After the death of Shri Shankar R. Bedarkar, the complainant, Shri Babuaro Shankar Bedarkar made an application for change of name to the Respondent No. 1 vide requisition no. 8047044 dtd. 10/04/2023. On the basis of the documents mentioned in para 3.0 submitted by Shri Babuaro Bedarkar, the Respondent No. 1 changed the name of Late Shri Shankar Bedarkar to Shri Babuaro Bedarkar.

- c) On realization of this change of name, the Respondent No. 2 Shri Vishwanath B. Bedarkar obtained the information under RTI from the Respondent No. 1 regarding the documents submitted by the complainant at the time of change of name. With strong objection for this change of name, the Respondent No. 2 Shri Vishwanath Bedarkar approached the Respondent No. 1 for change of name from Shri Baburao Bedarkar to Late Shri Shankar R. Bedarkar. At that time, he submitted copies of the documents which include (i) Affidavit cum Indemnity Bond, (ii) Partition Deed between Late Shri Shankar R. Bedarkar and his three sons namely, Shri Manohar Bedarkar, Shri Dattatray Bedarkar and Shri Baburao Bedarkar, (iii) General Power of Attorney in the name of Shri Vishwanath Bedarkar.
- d) The Forum has observed the controversy that in the Indemnity Bond submitted by the complainant at the time of change of name, it is mentioned that he is the only legal heir of Late Shri Shankar R. Bedarkar and in the documents submitted to the Forum, he has attached his family tree mentioning of his three brothers only. Therein also he has not mentioned about his sister. On enquiry about actual legal heirs of Late Shri Shankar R. Bedarkar, the complainant admitted that he also has one sister. For change of name, the complainant has not obtained NOC from other legal heirs of Late Shri Shankar R. Bedarkar .
- e) On going through the Affidavit cum Declaration and Partition Deed submitted by the Respondent No. 2, Shri Vishwanath Bedarkar it is observed that Late Shri Shankar R. Bedarkar had paid certain amount to his three sons viz. Shri Manohar Bedarkar, Shri Dattatray Bedarkar and Shri Baburao Bedarkar (the complainant) and all of them have surrendered their rights pertaining to the premises in question. The General Power of Attorney executed by Late Shri Shankar R. Bedarkar in the name of Respondent No. 2 becomes null and void as Shri Shankar R. Bedarkar is expired on 28/10/2000.
- f) 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 Shankar R. Bedarkar in place of the name of the complainant as consumer of the aforesaid electric connection.


Manohar Bedarkar
Shri Vishwanath Bedarkar

- g) Since the matter is subjudice before the Hon'ble Civil Court and till the final decision of the Hon'ble Civil Court in the above matter the present situation will have to be maintained. In other words the name of the original consumer i.e. Late Shri Shankar R. Bedarkar will have to be continued with a liberty to the complainant to file fresh application to the Respondent No. 1 after the decision of the Hon'ble Civil Court in this matter. In view of the above circumstances the parties will have to wait till their rights are settled in the court.
- h) Therefore, we have recorded affirmative findings on point No. (1) and negative findings on point no. (2).
- i) Thus we have recorded affirmative findings on point No.(1) and negative findings on point No.(2) and also we have taken the view that till the rights of the parties are settled by the Hon'ble City Court, 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 by giving liberty to the complainant to submit fresh application for change of name if his rights to the property are accepted by the Hon'ble Civil Court while deciding final order. Accordingly, in these terms the instant Grievance application will have to be dismissed with the aforesaid liberty to the complainant, 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-487-2023 dtd. 06/10/2023 stands dismissed with liberty to the complainant to submit fresh application for change of name if his rights to the property are accepted by the Hon'ble Civil Court while deciding the aforesaid case.
- 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