

	Date	Month	Year	
1	Date of Receipt	06	02	2024
2	Date of Registration	20	02	2024
3	Decided on	05	04	2024
4	Duration of proceeding	45 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. D-016-2024 dtd. 20/02/2024

Smt. Chandrika Mehta
Shri Gaurav Mehta

.....Complainant 1
.....Complainant 2

V/S

B.E.S.&T. Undertaking

.....Respondent no. 1

Shri Hamir Mehta
Smt. Jesal Mehta

.....Respondent no. 2
.....Respondent no. 3

Present

Chairman

Coram :

Shri M.S. Gupta, Chairman

Member

1. Smt. Anagha A. Acharekar, Independent Member
2. Smt. Manisha K. Daware, Technical Member

On behalf of the Respondent no. 1 : 1. Shri Prashant P. Patil

On behalf of the Complainant no. 1&2 : 1. Smt. Chandrika Mehta & Shri Gaurav Mehta

On behalf of the Respondent no. 2&3 : Absent

Date of Hearing : 22/03/2024

Date of Order : 05/04/2024

Handwritten signatures and notes:
Akhil
of
Mumbai.

Judgment

- 1.0 The complainants have grievance that the respondent no. 1 has illegally changed the name in electricity meter no. M197619.
- 1.1 The brief facts of the complainant's case is that the complainant no. 1 is the wife and the complainant no. 2 is the son of late Prakash Mehta. On 10/08/2023, they had registered a complaint with the respondent no. 1 against respondent nos. 2&3 for getting fraudulent name changed on the electricity meter no. M197619 (for short "said meter") of 2, Ratnakar Building, Narayan Dabholkar Road, Malabar Hill, Mumbai - 400 006 in respect of which the case is going on in the Hon'ble Bombay High Court.
- 1.2 The said premises is pagdi property belonging to Bombay Hospital. The original electricity meter was standing in the name of Parshotam K. Mehta, the father-in-law of the complainant no. 1 and grandfather of the complainant no. 2. Later on, another son of the complainant no. 1 namely Shri Hamir Mehta (respondent no.2) and her daughter-in-law Smt. Jesal Hamir Mehta (respondent no.2) on the basis of false documents have got their name changed in the said meter.
- 1.3 The complainants have submitted application along with necessary documents to the respondent no. 1 for reverting the name changed in the said meter. However, all their efforts in this regard fell in vain. The complainants have also filed documents which were submitted by the respondent no. 2&3 before the respondent no. 1 to show that they played fraud. Lastly, they submitted that the name changed by the respondent no. 1 may be reverted and previous connection / name to be restored i.e. of Parshotam K. Mehta.
- 2.0 The respondent no. 1 by its reply submitted that the respondent no. 2&3 have submitted various documents for change of name in the said meter. Their application was processed as per the provision of clause 12.0 of MERC Regulations, 2021. After scrutiny of submitted documents, the application for change of name of Parshotam K. Mehta has been processed as the respondent no. 2&3 have been physically occupying the said premises. Vide letter dtd. 10/08/2023, the complainants have raised objection for change of name of electricity meter stating that there is a court matter pending. Hence, the respondent no. 1 asked the complainants to wait for the court order. It is further contended that during the investigation the respondent no. 2 and 3 had misled BEST Undertaking by submitting indemnity bond that they are sole survivors of their parents. Accordingly, they have informed the respondent no. 2 & 3. In response to its letter, the respondent no. 2&3 requested the respondent no. 1 to revert the name of original consumer late Parshotam K. Mehta admitting that it was

done mistakenly by them. Accordingly, on 12/03/2024, the respondent no. 1 has restored the name of original consumer i.e. late Parshotam K. Mehta.

- 3.0 The respondent no. 2 & 3 in their reply stated that they are consuming the electricity from the said meter and occupant of the said premises. Previously, the electricity meter was standing in the name of grandfather of the respondent no. 2 viz. Purshotam K. Mehta, who expired on 28/05/1992. Thereafter, the electricity bill was paid by his father late Prakash P. Mehta. His parents left the premises in June 2016. After that they have been paying electricity bill. They also contended that inspite of the above facts, if the Forum feels that it should be transferred to previous consumer Parshotam K. Mehta, they have no objection for the same.
- 4.0 From rival submissions of the parties following points arise for our determination with findings thereon for the reasons to follow.

Sr. No.	Points for determination	Findings
1	Whether the change of name carried out by the respondent no. 1 in respect of the said meter is valid ?	Negative
2	What order ?	As per final order.

REASONS

5. Point no.1

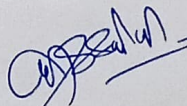
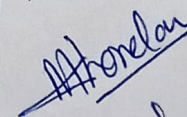
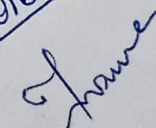
Indisputably, the said meter was standing in the name of late Parshotam K. Mehta. His son late Prakash P. Mehta was survived by the complainant no. 1 Smt. Chandrika Mehta (wife) and two sons namely the complainant no. 2 Shri Gaurav Mehta and the respondent no. 2 Shri Hamir Mehta. Initially they all were staying jointly in the said premises where the said meter is installed in the name of late Parshotam K. Mehta. Later on, in or about 2016, both the complainants started residing at another place. While the respondent no. 2&3 have been staying in the said premises. In December 2022, on the application of the respondent no. 2&3, the respondent no. 1 has changed the name in the said electric meter and it has been transferred in the name of the respondent no. 2&3.

- 5.1 Thereafter, the complainants have raised objection on 10/08/2023 stating that it is their joint family property and in this regard the matter is pending before the Hon'ble

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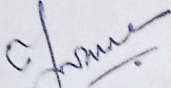
High Court. Initially, the respondent no. 1 had turned down his request for reversion of name in the electricity meter. The respondent no. 1 contended that during its investigation it was noticed that the respondent no. 2&3 had misled the BEST Undertaking by submitting Indemnity Bond to the effect that they are the sole survivors and legal heirs of their parents. Accordingly, by letter dtd. 11/03/2024 they informed the respondent no. 2&3 regarding objection raised by the complainants. In response to the letter of the respondent no. 1, the respondent no. 2&3 by their letter dtd. 12/03/2024 submitted that change of name in the said meter was got done by them mistakenly and they requested to change the electricity bill back to the original name of late Parshotam K. Mehta. Accordingly, on the same day the respondent no. 1 had changed the name in the said meter and they have reverted the electricity meter in the original name of the consumer late Parshotam K. Mehta.

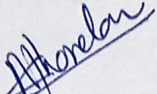
- 5.2 Significantly, when the respondent no. 2 & 3 have submitted their application for change of name in the said electric meter, they have submitted an Indemnity Bond by misleading the respondent no. 1 that they are sole surviving legal heirs of their parents. The respondent no.2&3 suppressed the fact that the mother (complainant no. 1) and brother (complainant no. 2) of the respondent no. 2 are alive and also surviving legal heirs of late Parshotam K. Mehta. Hence, they played fraud on the respondent no.1.
- 5.3 The respondent no.2&3 have also submitted a copy of their ration card wherein the name of both the complainants are shown. In such circumstances, it was the boundant duty of the respondent no. 1 to get it verified through the respondent no. 2 & 3 as to what about other surviving legal heirs as mentioned in the ration card. However, nothing has been done from its side.
- 5.3 Astonishingly, in August 2023 when the complainants raised objection for illegal change of name, even at that time also the respondent no. 1 did not take due care to verify about the facts mentioned in their objection. Anyhow, now the respondent no. 1 has reverted the electricity meter in the name of original consumer late Parshotam K. Mehta. The relief sought by the complainant is now fulfilled by the respondent no. 1 and respondent no. 2 & 3 have no objection to the same. Eventually, we hold that the earlier order of change of name passed by the respondent no. 1 was not valid may be because it was misled by the respondent no. 2 & 3.
- 5.4 Hence, point no. 1 is answered in the negative. In the net result, we pass the following order as answer to point no. 2.

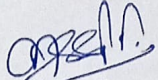




ORDER

1. The Grievance No. D-016-2024 dtd. 20/02/2024 is allowed.
2. The respondent no. 1 has already reverted the name of the consumer in the said meter, that is, in the name of original consumer late Parshotam K. Mehta and therefore the grievance is fully redressed. Hence, needs no further direction in this regard.
3. Copies of this order be given to all the concerned parties.


(Smt. Manisha K. Daware)
Technical Member


(Smt. Anagha A. Acharekar)
Independent Member


(Shri Mahesh S. Gupta)
Chairman