

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 N-GN-379-2019 dtd. 18/04/2019

Dr. Sadaf Abdul Razzak HazariaComplainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Chairman

Quorum : Shri V. G. Indrale, Chairman

Member

1. Shri K. Pavithran, Member
2. Dr. M.S. Kamath, Member CPO

On behalf of the Respondent (1) : 1. Smt. P.S. Kekane, AAM CC(G/N)

On behalf of the Complainant : Shri Vishal Katkar
Dr. Sadaf A.R. Hazaria

On behalf of the Respondent (2) : Shri Mohd Mujtaba Hasan

Date of Hearing : 28/06/2019

Date of Order : 08/07/2019

Judgment by Shri. Vinayak G. Indrale, Chairman

Dr. Sadaf Abdul Razzak Hazaria, Flat No 708,A Wing, Pariyadarshini Apt, Opp ONGC, behind Life Care Hospital, Dharavi, Mumbai 400 017 has dispute regarding transfer of electricity bill in the name Mohd Mujtaba Hasan having electric supply at Shop No 6, Ground floor, Katta Wadi Building, Sant Kakkaya Marg, Dharavi cross road, Ram Laxman Tanning, Dharavi, Mumbai 400 017 pertaining to A/c 798-504-006*6.

Complainant has submitted in brief as under :

Dr. Mohd. Mujtaba Hasan has filed the complaint raising objection for transfer of electricity bill having electric supply at Shop No 6, Ground floor, Katta Wadi Building, Sant Kakkaya Marg, Dharavi cross road, Ram Laxman Tanning, Dharavi, Mumbai 400 017 pertaining to A/c 798-504-006*6 from his name to the name of the complainant vide letter dtd. NIL received on 05/10/2018 addressed to GM, BEST. Accordingly hearing was conducted on 22/01/2019 and IGRC passed an order to retransfer electricity bill in the name of Dr. Mohd. Mujtaba Hasan. Aggrieved by the action of IGRC the complainant has approached to CGRF in schedule 'A' dtd. 16/04/2019 received by CGRF on 16/04/2019 as the complainant was not satisfied by order of IGR Cell of Distribution Licensee.

**Respondent, BEST Undertaking in its written statement
in brief submitted as under :**

- 1.0 Dr. Sadaf Abdul Razak Hazaria came before the Forum dispute regarding transfer of electricity bill in the name of Dr. Mohd. Mujtaba Hasan having electric supply at Shop no. 6, Ground floor, Katta Wadi bldg., Sant Kakaiya Marg, Dharavi Cross Road, Ram Laxman Tanning, Dharavi Main Road pertaining to a/c no. 798-504-006.
- 2.0 Initially electric supply was given to the premises under reference in the name of Shri M. Anandraj Thangraj on 29/12/1998 under a/c no. 798-504-083*2. Then electricity bill was transferred in the name of Shri Shaikh Mohd. Abrar on 22/07/2008.
- 3.0 Electricity bill was transferred in the name of Dr. Mohd. Mujtaba Hasan vide application no. 1041000 dtd. 13/04/2012 and new a/c no. 798-504-001*7 was allotted.
- 4.0 The electricity bill was transferred in the name of Dr. Sadaf Abdul Razak Hazaria vide her application bearing no. 3095353 dtd. 11/05/2018. She had submitted self attested NOC of landlord, Rent Receipt, Shop & Establishment License, Sale Agreement, Affidavit, General Power of Attorney, Indemnity Bond etc. This change of name was effected from the month June 2018 and new a/c no. 798-504-006*6 was allotted.
- 5.0 Dr. Mohd. Mujtaba Hasan has raised objection for transferring electricity bill in the name of Dr. Sadaf Abdul Razak Hazaria vide his letter dtd. 05/10/2018 addressed to Chairman, BEST Committee.
- 6.0 Vide Procedure Order no. 236, hearing was conducted on 22/01/2019. This hearing was attended by the complainant Dr. Mohd. Mujtaba Hasan and representative of Dr. Sadaf Abdul Razak Hazaria. On scrutiny of documents submitted by both the parties at the time of change of name found sufficient as per P.O. at the time of processing change of name application.
- 7.0 After hearing, on 28/01/2019 Dr. Sadaf Abdul Razak Hazaria had submitted surrender Affidavit, Agreement / Sale Deed, General Power of Attorney, Indemnity Bond etc.
- 8.0 After hearing, on 28/01/2019 Dr. Mohd. Mujtaba Hasan had submitted a letter along with Rent Receipt received by the landlord, Electricity Bill, Shop & Establishment License, Landlord Property Card and NOC etc.
- 9.0 On scrutiny of records, it was observed that documents submitted by Dr. Mohd. Mujtaba Hasan found original and documents submitted by Dr. Sadaf Abdul Razak

Hazaria found fraudulent. Hence electricity bill was retransferred in the name of Dr. Mohd. Mujtaba Hasan.

Say of Dr. Mohd. Mujtaba Hasan

- 1.0 Dr. Sadaf Abdul Razak Hazaria is my ex-wife and she has taken customary divorce from me.
- 2.0 The electricity bill of meter no. D001541, a/c no. 798-504-001*7 was originally in my name and I was receiving the electricity bill in my name since 2012 to till April 2018. This electricity bill was transferred in the name of the complainant Dr. Sadaf Abdul Razak Hazaria somewhere in May 2018 fraudulently.
- 3.0 When I came to know about the said change of name of electricity bill, I promptly took action and raised objection for the same after collecting requisite documents under RTI.
- 4.0 The alleged documents have been executed in the year 2015, then why there was delay of three years for effecting the change of name. Original Rent Receipt and Shop & Establishment License are still in my name. Documents submitted by Dr. Sadaf Abdul Razak Hazaria at the time of transfer of electricity bill found forged by BEST.
- 5.0 In order to usurp my property, the complainant has made false and forged documents to fraudulently take my said property.

REASONS

- 1.0 We have heard the argument of representative of the complainant and Dr. Sadaf Abdul Razak Hazaria and for the Respondent BEST Undertaking Smt. P.S. Kekane, AAM CC(G/N). Perused the documents filed by either parties at the proceeding. We have also heard the argument of Dr. Mohd. Mujtaba Hasan in whose name the electricity bill for meter no. D001541 having a/c no. 798-504-001*7 has been restored.
- 2.0 After hearing the argument, it appears that the dispute is in between ex-wife and husband regarding change of name. The complainant has vehemently submitted that the Respondent BEST Undertaking has illegally restored the name of Dr. Mohd. Mujtaba Hasan in respect of a/c no. 798-504-001. Against this, Respondent (2) Dr. Mohd. Mujtaba Hasan has submitted that the complainant on the basis of fraudulent record has illegally got transferred her name in electricity bill. Dr. Mohd. Mujtaba Hasan further stated that I have taken the objection for transfer of electricity bill in the name of the complainant therefore the Respondent BEST Undertaking has rightly restored electricity bill in my name as per para no. 5 of the Undertaking given by the complainant along with the application for change of name.
- 3.0 We have gone through the documents filed by the complainant in support of her contention. The complainant has filed zerox copy of Surrender Affidavit of Dr. Mohd. Mujtaba Hasan, zerox copy of affidavit of Dr. Mohd. Mujtaba Hasan, zerox copy of Agreement / Sale Deed in the name of Dr. Sadaf Abdul Razak Hazaria. We have cautiously gone through the said zerox copies as well as zerox copy of irrevocable General Power of Attorney and *prima-facie* it appears that all these documents have been executed on 16/01/2015 and the complainant has not filed the original document

to ascertain the truth of the same. Ex-husband, Dr. Mohd. Mujtaba Hasan of the complainant has submitted that the complainant has obtained shop Act license and fraudulently got effected change of name in her name. He has further submitted that for the first time he came to know about the change of name when he did not get the electricity bill and then he obtained the documents under RTI on 05/10/2018 and immediately filed the objection before the Respondent BEST Undertaking.

- 4.0 Here we wish to refer the shop Act license filed by the complainant along with her application for change of name. The complainant has submitted that she is doing medical profession in the said premises for which she applied for change of name. It is pertinent to note that in shop Act license, entry of business of mobile repair is shown. This shows that the complainant has filed the shop Act license which *prima-facie* appears to be not genuine.
- 5.0 We have gone through NOC dtd. 10/04/2018 given by landlord and rent receipt dtd. 04/04/2018, executed by Hasan Usman & Others, whereas rent receipt of by Respondent (2) has been issued by Imran Ilyaz Kantharia. Thus, it appears that there are two landlords of said premises. After perusal of NOC dtd. 10/04/2018 and rent receipt dtd. 04/04/2018, *prima-facie* it appears to be not genuine.
- 6.0 We have gone through the documents filed by the complainant and it appears that she has not filed document regarding consent given by the landlord to effect the change of name in her name. We think it just and proper to observe that while effecting the change of name, the Respondent BEST Undertaking is required to call the person in whose name meter is standing and to obtain his / her No Objection to ascertain the truth in the application filed for effecting the change of name. In this case the concern authority i.e. Respondent BEST Undertaking did not take any pain and only on the basis of so called documents executed in the year 2015, they have got effected the change of name in the year 2018. There is no explanation given by the complainant as to why there is delay of three years for effecting the change of name in electricity bill.
- 7.0 On this point, we have gone through the Regulation 10 of MERC (Electricity Supply Code & Other Conditions of Supply), 2005 which enumerates the procedure for effecting the change of name. In this Regulation 10.3 (ii), in the absence of consent letter of the transferer, any one of the following documents in respect of the premises (a) Proof of ownership of premises (b) in case of partition, the Partition Deed (c) Register Deed & (d) Succession Certificate are required to be filed by the person who files the application for change of name. In the instant case the complainant herself has not explained as to why and for what reason her husband has permitted the change of name in her name. On this point, we think it just and proper to reproduce para 2.9 of Terms and Conditions of Supply of BEST Undertaking.

“The Undertaking shall neither be responsible nor liable to ascertain legality of adequacy of any No Objection Certificate / Way leave permissions / Permission or Consents of Statutory Authorities which might have been submitted by the Applicant / consumer along with his application and shall believe that such certificates / permissions to be sufficient and valid,

unless proved to be contrary. In such cases, if documents are found to be fraudulent at later stage, consequences shall be borne by the consumer.”

8.0 In this respect, we wish to reproduce the Undertaking given by the applicant while filing the application for change of name.

“In the event, if the landlord or lawful occupant or any statutory authority raises objection regarding authorization of said premises or evicted by due process of law, or any of the information of documents are found invalid or forged / fraudulent / or not absolutely correct and breach of any of the terms & conditions of application, my electric supply shall be liable for disconnection without any notice / intimation to me and in case of change of name, I agree to maintain status quo as prior to register the referred application.”

In view of Undertaking given by the complainant while filing the application for change of name and after considering the documents, it appears that the Respondent BEST Undertaking has rightly restored the name of Respondent (2) i.e. Dr. Mohd. Mujtaba Hasan so as to maintain status quo as prior to register the application filed by the complainant for change of name.

9.0 Having regard to the above said discussion we do not find any force in the complaint filed by the complainant. Thus the complaint deserves to be dismissed.

10.0 Before parting to pass final order, we wish to say that the complainant asked for adjournment of hearing of the case and therefore there is delay in deciding the complaint. In result we pass the following order.

ORDER

1.0 The grievance no. N-GN-379-2019 dtd. 18/04/2019 stands dismissed.

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

Sd/-

(Shri K. Pavithran)
Member

Sd/-

(Dr. M.S. Kamath)
Member

Sd/-

(Shri V.G. Indrale)
Chairman