

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. 22853561

Representation No.N-G(N)-194-2013 dtd. 09/05/2013

Mr. Manohar BhosaleComplainant

V/S

B.E.S.&T. UndertakingRespondent No.1

Mrs. Asha RadiyeRespondent No.2

Present

Quorum : Chairman
Shri R U Ingule, Chairman

Member
1. Shri M P Thakkar, Member
2. Shri S M Mohite, Member

On behalf of the Complainant : 1. Shri Manohar Bhosale
2. Shri Pradip Bhosale

On behalf of the Respondent No.1 (BEST) 1. Shri S.M. Sakpal, DECC(G/N)
2. Shri S.B. Pawar, AAMIGR

On behalf of the Respondent No. 2 (Mrs. Asha Radiye) 1. Shri Sanjay Waman Mhatre

Date of Hearing : 26/06/2013

Date of Order : 02/07/2013

Judgment by Shri. R.U. Ingule, Chairman

Shri Manohar V. Bhosale, Ground floor, Room no. 2/A, Datta Digambar CHS., Agashe Marg, Dadar, Mumbai - 400 028 has come before the Forum for dispute regarding change of name pertaining to A/C.No. 618-895-027.

Complainant has submitted in brief as under :

1.0 The complainant has approached to IGR Cell on 26/11/2012 for his grievance regarding change of name pertaining to A/c.No. 618-895-027. The complainant has approached to CGRF in schedule 'A' dtd. 01/04/2013 (received in CGRF on 08/05/2013) as no remedy is provided by the Distribution Licensee regarding his grievance. The complainant has requested the Forum to revert the change of name.

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

- 2.0 On 26.12.1987, at Room No. 3, Grd. flr., C.T.P. S.R. (Mahim), Fransis Wadi, D. L. Vaidya Road, O. P. No.147 meter no.0052329 was installed under A/c No.618-895-027. On 26.10.2004 the A/c No. was transferred in the name of Smt. Asha Eknath Radiye. Now the said premises has been demolished and the meter under A/c no.618-895-027 has been removed.
- 3.0 It is true that, vide letters dated 22.03.2005 and 22.11.2007 Mr. Manohar Bhosale informed BEST Undertaking that the meter under A/c No.618-895-027 should not be transferred in the name of any other person. The meter under A/c No.618-895-027 was transferred in the name of Smt. Asha Radiye on 26.10.2004 i.e. before Mr. Manohar Bhosale request for not to transfer.
- 4.0 It is pertinent to state here that, in 2006 vide our letter dated 19.12.2006 Mr. Manohar Bhosale had been informed to submit recent Rent receipt and Ration card of the said premises to which Shri. Manohar Bhosale did not respond.
- 5.0 It is obligatory on the part of BEST Undertaking to render electric supply to the premises and also to effect the change of name as per the provision laid down by MERC. Since the said premises has been demolished and the meter under A/c No.618-895-027 has been removed the A/c No. cannot be transferred in any other person. The said fact was informed to Mr. Manohar Bhosale vide our letter dated 09.01.2013.
- 6.0 The premises in question does not exist presently it is demolished hence the request of Mr. Manohar Bhosale not to be accepted. The consumer should not be allowed to change the facts of the case presented in his application.

REASONS

- 7.0 We have heard the complainant in person and for the Respondent No. 1 BEST Undertaking, Shri. S.M. Sakpal, DECC(G/N) and Shri S.B. Pawar, AAMIGR. We have also heard for Respondent No. 2, Shri S.V. Mhatre. Perused papers.
- 8.0 This Forum finds that the entire controversy has been focused around a contention that the Respondent No. 1 BEST Undertaking has allegedly illegally transferred the a/c no. 618-895-027 in the name of Respondent No. 2 Smt. Asha Radiye on 26/10/2004. The complainant has vehemently submitted that he was having the said a/c no. 618-

895-027 with a meter no. 0052329 standing in his name and provided for ground floor, Room no. 3, Fransis Wadi, Vaidya Marg, Mumbai - 400 028.

- 9.0 The complainant further submits that he had informed the Respondent No.1 BEST Undertaking well in advance vide his letter dtd. 07/11/2003 not to change and transfer his name in the electricity bill for the said account and meter. To reiterate as per contention of the complainant the Respondent No. 1 BEST Undertaking has illegally transferred his electricity account number in the name of the Respondent No. 2 Smt. Asha Radiye without his consent and by adopting illegal means. Hence prayed this Forum to direct the Respondent No.1 BEST Undertaking to restore back his name in the said a/c no. 618-895-027 by removing the name of Respondent No. 2 Smt. Asha Radiye.
- 10.0 At the outset, this Forum finds that the grievance raised before this Forum by the complainant has been utterly hit by the statutory provision provided under Regulation 6.6 of MERC (CGRF & EO) Regulation 2006. This Forum finds it beneficial to reproduce the said regulation and the same runs as under.

MERC (CGRF &EO) Regulation, 2006

Regulation 6.6 - The Forum shall not admit any grievance unless it is filed within 2 years from the date on which the cause of action has arisen.

- 11.0 From the contention raised by the complainant himself, this Forum finds that the complainant in the past has apprehended possibilities of making change of name in respect of his electricity account. Accordingly, he had submitted his protest letter dtd. 22/03/2005 to the Respondent BEST Undertaking, the same has been placed at pg. 23.
- 12.0 This Forum finds it significant to advert to a letter dtd. 22/02/2007 addressed to the Respondent No.1 BEST Undertaking by the complainant, requesting to furnish the 'Authorized Connected Load Certificate' and name of the person on whose name installation has been done in respect of the electric service in his room no. 3, ground floor, Fransis Wadi, Vaidya Marg, Mumbai - 400 028 having installation no. 0784215. It is further significant to observe that while replying this letter, the Respondent No. 1 BEST Undertaking had informed the complainant that the meter no. 0052329 with installation no. 0784215 was first installed on 26/12/1987 and the consumer's name has been Smt. Asha Eknath Radiye i.e. Respondent No. 2 w.e.f. 26/10/2004. This letter dtd. 26/10/2007 has been placed before this Forum at pg. 49 by the complainant.
- 13.0 This Forum thus finds that the complainant was aware that there was a 'change of name', in respect of his meter for room no. 3, ground floor, Fransis Wadi, Vaidya Marg, Mumbai - 400 028 bringing the name of the Respondent No. 2 i.e. Smt. Asha Radiye in place of his name w.e.f. 26/10/2004. Accordingly it was brought to the notice of the complainant by the Respondent No.1 BEST Undertaking vide its letter dtd. 26/10/2007. In considered view of this Forum, therefore the *cause of action* for the complainant to approach this Forum as per the regulation provided under the MERC (CGRF&EO) 2006, was available on 26/10/2007.

- 14.0 However, admittedly the complainant has approached the IGR of the Respondent BEST Undertaking by filing an application on 26/11/2012 and thereafter approached this Forum by filing the present complaint on 08/05/2013. This Forum therefore finds that it is blatantly manifest on the very face of the record that there has been an inordinate delay on the part of the complainant to approach this Forum for redressal of grievance.
- 15.0 To reiterate the limitation provided under the Regulation 6.6 has been of the two years from the date on which a *cause of action* mentioned above has arisen. Needless to state that as the complainant has not approached this Forum within such statutory limitation provided under regulation 6.6, therefore the instant complaint at the first instant cannot be admitted on the docket of this Forum leave apart the hearing of the same. Therefore the same is liable to be dismissed at the threshold.
- 16.0 Before we part with this order, we cannot resist ourselves to place on record our observations in regard to a *serious lapses* on the part of the Respondent BEST Undertaking. Admittedly, initially the meter no. 0052329 was installed under a/c no. 618-895-027 for room no. 3, ground floor, Fransis Wadi, Vaidya Marg, Mumbai - 400 028 on 26/12/1987 for the use of present complainant.
- 17.0 As per the submission made by the Respondent BEST Undertaking the said account number of the complainant was transferred in the name of the Respondent No. 2 Smt. Asha Radiye on 26/10/2004. This Forum finds that while transferring such account in the name of the Respondent No. 2 from that of complainant, the Respondent No.1 BEST Undertaking has not taken even a basic precaution such as obtaining a *consent letter* from the erstwhile account holder i.e. the complainant.
- 18.0 In this context we find that the Respondent BEST Undertaking has placed on file the *change of name application form*. This Forum observes that on the reverse side of this form, there has been a clear instruction against clause (c) for obtaining *consent letter or No Objection Certificate from the registered consumer.* However, this Forum finds no such consent letter being placed before us by the Respondent BEST Undertaking. On the contrary this Forum finds that the complainant had informed the Respondent No. 1 BEST Undertaking well in advance vide his letter dtd. 07/11/2003 i.e. almost one year in advance about his apprehension about incorporating the change of name in his a/c no. 618-895-029. This letter has been placed before this Forum at pg. 33. This letter also bears the stamp of the Respondent No.1 BEST Undertaking in token of receiving such letter. A bare perusal of this letter manifests that the complainant in clear terms had informed the Respondent No.1 BEST Undertaking that his neighbour has been putting its every efforts to occupy his room in his absence and they are retaining with them complainant's electricity bills. The complainant therefore had requested the Respondent No.1 BEST Undertaking not to effect any *change of name* in his a/c no. 618-895-027.
- 19.0 This Forum observes that despite such clear instructions in writing were given to the Respondent No. 1 BEST Undertaking, the later had affected the change of name in the account of the complainant by bringing the name of the Respondent No. 2 in the said account number on 26/10/2004, that too when the necessary compliances were not made by the Respondent No.2.

- 20.0 Despite such blatantly manifest facts and circumstances discussed above, this Forum finds that in the first instant the complaint itself is not maintainable being hit by limitation provided under the Regulation. Besides, it has admitted between the parties that the premises wherein the said meter with a/c no. 618-895-027 was installed, has been presently demolished. Therefore at present there has been neither a premises nor any supply of electricity with meter. Therefore, the prayer made by the complainant in the instant complaint has been rendered to be futile and abortive, due to said inordinate delay on his part.
- 21.0 In the aforesaid facts and circumstances discussed we find the present complaint being liable to be dismissed. Accordingly, we do so.

ORDER

1. The Complaint no. N-G(N)-194-2013 stands dismissed.
2. Copies be given to both the parties.

(Shri S M Mohite)
Member

(Shri M P Thakkar)
Member

(Shri R U Ingule)
Chairman