

**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

**Representation No N-FS-375-2018 dtd. 12/02/2019**

Shri Bilal Shafiullah Khan .....Complainant

V/S

B.E.S.&T. Undertaking .....Respondent

**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. Shri. B.K. Shelke, DECC(F/S)  
BEST Undertaking 2. Shri R.G. Baile, AAO CC(F/S)

On behalf of the Respondent (2) : 1. Smt. Salma Khan

On behalf of the Complainant : 1. Shri Bilal Shafiullah Khan

Date of Hearing : 26/03/2019

Date of Order : 27.03.2019

**Judgment by Shri. Vinayak G. Indrale, Chairman**

Shri Bilal Shafiullah Khan, Room no. 7, Masjid Dargah Compound, Opp. Nirmal Park, Dr. B.A. Road, Mumbai - 400 027 has come before the Forum for dispute regarding restoration of previous consumer's name Mr. Bashir Ahmed Awan having electric supply at Room no. 9, Hakim Bakir Ali Shawadi, 169, Dr. Ambedkar Road, Mumbai -400 027 pertaining to A/c no. 562-382-011.

**Complainant has submitted in brief as under :**

The complainant has approached to IGR Cell on 04/09/2018 dispute regarding restoration of previous consumer's name Mr. Bashir Ahmed Awan having electric supply at Room no. 9, Hakim Bakir Ali Shawadi, 169, Dr. Ambedkar Road, Mumbai - 400 027 pertaining to A/c no. 562-382-011. The complainant has approached to CGRF in schedule 'A' dtd. 05/02/2019 received by CGRF on 05/02/2019 as the complainant was not satisfied by the remedy provided by the IGR Cell of Distribution Licensee on his grievance.

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

- 1.0 Shri Bilal Shafiullah Khan came before the Forum regarding his dispute about restoration of previous consumer's name Mr. Bashir Ahmed Awan having electric supply at Room no. 9, Hakim Bakir Ali Shawadi, 169, Dr. Ambedkar Road, Mumbai -400 027 pertaining to A/c no. 562-382-011.
- 2.0 Prior to 17/03/2010, the electricity bill of the premises under reference was standing in the name of Mr. Bashir Ahmed Awan.
- 3.0 Vide application for Change of Name dated 14/03/2010 Shri Sarfaraz Gaffar Khan applied for transfer of electricity bill pertaining to A/c 562-382-011 in his name. He has submitted following documents along with his application.
  - 1) Sale Deed dtd. 06/03/2009
  - 2) Tenancy surrender letter dtd. 06/03/2009
  - 3) Memorandum of Understanding dtd. 06/03/2009
  - 4) Irrevocable General Power of Attorney.
  - 5) NOC for transfer of rent bill and electricity bill.

Based on this, electricity bill of consumer having A/c no. 562-382-011 was transferred in the name of Shri Sarfaraz Gaffar Khan.

- 4.0 Shri Bilal Shafiullah Khan raised objection for transfer of electricity bill pertaining to A/c no. 562-382-011 in the name of Shri Sarfaraz Gaffar Khan vide his letter dtd. 04/09/2018 and 04/10/2018 addressed to Divisional Engineer Customer Care (F/S) and copy given to GM, BEST. This complaint letter was treated as complaint in Annexure 'C' and proceeded accordingly and reply was given to the complainant.

**REASONS**

- 1.0 We have heard argument of the complainant Shri Bilal S. Khan in person and for the Respondent BEST Undertaking Shri. B.K. Shelke, DECC(F/S) and Shri R.G. Baile, AAO CC(F/S) and for the Respondent (2) Smt. Salma Khan representative of Shri Sarfaraz

Khan in whose name change of name was effected in the month of March 2010. Perused the documents filed by either party to the proceeding as well as documents filed by Shri Sarfaraz Khan.

- 2.0 The complainant has filed the complaint in the year 2018 for the grievance of change of name effected in the name of Shri Sarfaraz Khan on 27/03/2010. The complainant has not made Shri Sarfaraz Khan as party to the complaint, but the Forum has given notice to Shri Sarfaraz Khan as whatever order will be passed on the complaint, it will cause prejudice to him, therefore we heard Shri Sarfaraz Khan in the matter.
- 3.0 The complainant has vehemently submitted that the Respondent BEST Undertaking has illegally got effected the change of name of Shri Sarfaraz Khan in the electricity bill bearing A/c no. 562-328-011. He has submitted that the said Room no. 9 for which the electricity connection was sanctioned is WAQF's property and for alienating the WAQF property, they require permission from the WAQF Board. He has further submitted that Shri Sarfaraz Khan without getting any permission and on the basis of Sale Deed on stamp paper of Rs. 100 and Affidavit of legal heirs of Shri Bashir Ahmed Awan has illegally got effected the change of name in his own name in respect of A/c no. 562-328-011. Against this the Respondent BEST Undertaking has submitted that the complainant has no *locus-standi* to file the complaint as he cannot be termed as Consumer within the definition of Section 2(15) of E.A., 2003 as well as he has no right to raise the dispute regarding grievance as definition under MERC (CGRF & EO) Regulation, 2006. The Respondent BEST Undertaking has further submitted that the cognizance of complaint filed by the complainant Shri Bilal Khan is barred by limitation as per Regulation 6.6 of MERC (CGRF & EO) Regulation, 2006. The representative of Shri Sarfaraz Khan has submitted that the Respondent BEST Undertaking has rightly affected the change of name of Shri Sarfaraz Khan in the electricity bill having A/c no. 562-328-011 and the complainant has no right to challenge it and with ill intention and to harass Shri Sarfaraz Khan, the complainant has filed this false complaint. We have cautiously gone through the documents filed by either party to the proceeding as well as Shri Sarfaraz Khan.
- 4.0 Having regard to the above said submission advanced by the parties the question poses before us is whether the complainant Shri Bilal Khan can be termed as Consumer within section 2 (15) of E.A., 2003. We think it just and proper to reproduce the section 2 (15) of E.A., 2003.

*“Consumer” means any person who is supplied with electricity for his own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public under this Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a licensee, the Government or such other person, as the case may be.*

Considering the above said definition of consumer, in any case it cannot be hold that Shir Bilal Khan is a consumer and he has right to file the complaint. After bare perusal of definition of consumer it appears that Shri Bilal Khan has no *locus-standi* to file the complaint. We are saying so because neither he has related to Shri Bashir A. Awan nor

concerned with the Room no. 9, Hakim Bakir Ali Shawadi, 169, Dr. Ambedkar Road, Mumbai - 400 027. Likewise we wish to reproduce definition of Grievance as incorporated under Regulation 2.1 (c) of MERC (CGRF & EO) Regulation, 2006.

*“Grievance” means any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which has been undertaken to be performed by a Distribution Licensee in pursuance of a license, contract, agreement or under the Electricity Supply Code or in relation to standards of performance of Distribution Licensee as specified by the Commission and includes inter alia (a) safety of distribution system having potential of endangering of life or property, and (b) grievances in respect of non-compliance or any order of the Commission or nay action to be taken in pursuance thereof which are within the jurisdiction of the Froum or Ombudsman, as the case may be.*

Considering the definition of Grievance as above, it appears that the complainant Shri Bilal Khan has no right to raise the said grievance before the Forum.

- 5.0 The Respondent BEST Undertaking has further submitted that as per Regulation 6.6 the Forum cannot take cognizance of complaint if it is filed beyond the period of two years. We think it just and proper to reproduce Regulation 6.6 of MERC (CGRF & EO) Regulation, 2006. *“The Forum shall not admit any Grievance unless it is filed within two (2) years from the date on which the cause of action has arisen.”* The complainant has submitted that the wording of Regulation 6.6 that the “Forum shall not admit any grievance and therefore IGR can entertain the grievance beyond the period of two years. We find some substance in this contention as bar of limitation will be attracted in case of dispute filed before the Forum and not pending before IGR.
- 6.0 In view of this Regulation 6.6 really the Forum cannot take cognizance of grievance filed by the complainant as the change of name has been effected in the name of Shri Sarfaraz Khan on 17/03/2010 and the complainant approached IGR in the year 2018 and filed complaint before the Forum in the month of February 2019.
- 7.0 Having regard to the above said legal aspect really it would not be proper on our part to enter into the controversy whether the Respondent BEST Undertaking has really effected the change of name of Shri Sarfaraz Khan or not. But considering the way and manner in which the Respondent BEST Undertaking has relied the documents filed by legal heirs of Shri Bashir A. Awan, we must observe that the Respondent BEST Undertaking has not followed the proper procedure as contemplated as effecting the change of name under Regulation 10 of MERC (Electricity Supply Code & Other Conditions of Supply) Regulation, 2005. It appears that on the basis of documents, they are not on proper registered stamp paper, the Respondent BEST Undertaking, without verifying the other documents, has effected the change of name. In Regulation 10.3(ii) it is mentioned that in the absence of consent letter, 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) registered deed or (d) succession certificate.

Thus this Regulation contemplates that documents submitted for change of name must be registered one. This legal provision has been overlooked by the Respondent BEST Undertaking and they have blindly effected the change of name. The complainant has submitted that change of name effected in the name of Shri Sarfaraz Khan be set aside and same be registered in the name of Shri Bashir A. Awan. It is submitted that Shri Bashir A. Awan is no more and therefore no such prayer can be allowed.

- 8.0 Having regard to the above said reasons we wish to observe that if the complainant suspects that Shri Sarfaraz Khan has filed bogus / false documents he has every right to initiate criminal action against Shri Sarfaraz Khan and his relatives. The complainant has also right to file the complaint before proper authorities against Shri Sarfaraz Khan for filing bogus documents with a view to ascertain their possession over the Room no. 9. On this point we wish to reproduce clause 2.9 of Terms and Conditions of Supply, which runs as under.

*The undertaking shall neither be responsible nor liable to ascertain the legality or adequacy of any No Objection Certificates / 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.*

- 9.0 For the above said reasons we have arrived at the conclusion that the complainant has no *locus-standi* to file the complaint of which the Forum cannot take cognizance as per Regulation 6.6 as it is filed beyond the period of two years. We are saying so because the change of name has been effected in the year 2010 and after eight years of effecting the change of name in the name of Shri Sarfaraz Khan, the complainant raised the grievance. Thus the complaint deserves to be dismissed. In result we pass the following order.

### ORDER

- 1.0 The complaint no. N-FS-375-2019 dtd. 12/02/2019 stands dismissed.
- 2.0 Copies of this order be given to the concerned parties.

Sd/-

Sd/-

Sd/-

(Shri K. Pavithran)  
Member

(Dr. M.S. Kamath)  
Member

(Shri V.G. Indrale)  
Chairman