

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. S-D-341-2017 dtd. 17/11/2017

Shri Hastimal M. JainComplainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Chairman

Quorum : Shri V. G. Indrale, Chairman

Member

1. Dr. M.S. Kamath, Member, CPO

On behalf of the Respondent : 1. Shri D.N. Pawar, DECC(D)
2. Smt. S.S. Redkar, AAM CC(D)

On behalf of the Complainant : 1. Shri Hastimal Jain

Date of Hearing : 10/01/2018

Date of Order : 12/01/2018

Judgment by Shri. Vinayak G. Indrale, Chairman

Mr. Hastimal Motilal Jain, Room no. 8, Ground floor, Building no. 2, A, 88, Jitekarwadi, Thakurdwar Road, Mumbai - 400 002 has come before the Forum for billing address on electricity bill pertaining to A/c no.476-215-149.

Complainant has submitted in brief as under :

The complainant has approached to IGR Cell on 21/06/2016 for billing address on electricity bill pertaining to A/c no.476-215-149. The IGR allowed the Annexure 'C', for which Shri Vastimal brother of Shri Hastimal filed objection on 23/05/2017 before the General Manager, BEST and treated the said objection as Annexure 'C' and directed the authorities to hear both the parties. The Distribution Licensee heard both the parties and set aside the order of change in billing address and restored previous billing address. So the complainant has approached to CGRF in schedule 'A' dtd. 10/11/2017 (received by CGRF on 14/11/2017) as the complainant was not satisfied by the remedy provided by the IGR Cell of Distribution Licensee.

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

- 1.0 The billing address pertaining to a/c 476-215-149 was transferred from Room No. 8 Ground Floor, Bldg No 2 , 88 Jitekar Wadi , Thakurdwar Mumbai 2 to power supply address i.e Shop No 1 B Ground Floor, 76, Prabhu Bhuvan, Vithalbahi Patel Road, C. P. Tank , Girgaon Mumbai 4. Shri Hastimal Motilal Jain , the brother of Shri Vastimal Motilal Jain took objection for the same. The complaint's letter given by Shri Vastimal Motilal Jain dated 23/05/2017 to the Hon'ble General Manager, BEST was treated as complaint in Annexure "C" format by the ward. After following due procedure, IGRC has reverted back the billing address to power supply address. Aggrieved by the order IGRC, Shri Hastimal Motilal Jain has approached to CGRF in Schedule "A" format dated 10/11/2017.
- 2.0 The electric supply is given in the name of Hastimal Vastimal Jain to the premises under reference for commercial purpose. Initially power supply address and billing address was same. Vide letter dated 21/06/2016, Shri Hastimal Jain has requested for the change in billing address to his residence. In support to this he has attached Adhar Card, Passport and Pan Card. As per his request electricity bill is being delivered at new address i.e. billing address.
- 3.0 Shri Vastimal M. Jain vide his complaint letter dtd. 23/05/2017 addressed to the GM, BEST Undertaking complaint about transfer of billing address pertaining to a/c no. 476-215-149. This complaint letter was treated as a complaint in Annexure 'C' format by the ward.
- 4.0 During the hearing of the case on 07/07/2017 it was realized that as per electric bill name of the consumer is as Shri Hastimal Vastimal Jain. In this name Shri Vastimal is not a father of Shri Hastimal Jain but it is a name of one of his brother's name i.e. Shri Vasant who is fondly called was Shri Vastimal. Their father has registered his electricity connection mentioning the name of the consumer as Shri Hastimal Vastimal Jain.
- 5.0 There is pending property dispute amongst the brothers. Shri Hastimal has tried to get electricity bill to be transferred in his name vide his letter dtd. 07/03/2017. But the concerned section has raised query about change of name. As queries are not satisfactorily replied, the name of the consumer was not changed.

- 6.0 Shri Hastimal Jain has got changed his billing address of this account to his residential address without consent of Shri Vastimal Jain. This action of change in billing address is reverted back to the original one i.e. power supply address on the merits of documents submitted by both the brothers and available in the department by IGRC.
- 7.0 During the hearing both the brothers has agreed and informed that they will solve their family dispute in an appropriate court of law and have no objection for reversion of billing address to the earlier billing address.

Say of Shri Vastimal Jain

- 8.0 The rented properties of his father were distributed between the brothers, to avoid further complications and the dispute over the properties which he had acquired. The properties and electric meters were taken by his late father in joint names of brothers as Hastimal Vastimal Jain , where as his father name was Motilal Jain. The property under reference was duly distributed by his father and property share were nomenclated by his father jointly, to show that both the brothers shall remain united without dispute.
- 9.0 After the demise of his father , his brothers Shri Hastimal Jain tried to grab his property by taking the disadvantage of joint name as Hastimal Vastimal Jain. Shri Hastimal Jain (his brother) has transferred the billing address of a/c 476-215-149*7, without his knowledge and information to his residential address. For this Shri Hastimal Jain has made false communication, thus by misleading/ misguiding the BEST officials.
- 10.0 When he came to know about change in billing address , he made follow up with BEST officials. As a result, BEST has restored billing address to the original one.

REASONS

- 1.0 We have heard argument of the complainant Shri Hastimal in person and his brother Vastimal and for the Respondent BEST Undertaking Shri D.N. Pawar, DECC(D) and Smt. S.S. Redkar. Perused the documents filed by either parties to the proceedings. Perused the written submission filed by the Respondent BEST Undertaking annexed with documents marked as Exhibit 'A' to 'H'.
- 2.0 After hearing the arguments it appears that since beginning electric connection having consumer no. 476-215-149 is standing in the name of Shri Hastimal and Shri Vastimal and billing address is shown as shop 1-B, ground floor, plot 76, Prabhu Bhavn, Vitthalbhai Patel Road, C.O. Tank, Girgaon, Mumbai -400004. It is admitted fact that Hastimal and Vastimal are real brothers *interse* and their father Motilal Jain had jointly taken electricity connection in their name. Both the brothers admitted that the property where the meter is affixed is under development and civil dispute in between them are pending before the civil court. In view of this submission of both the brothers, it appears that as the property is under development and therefore they are trying to create some evidence of changing the billing address.

- 3.0 After going through the record it appears that on 26/06/2016 Shri Hastimal filed Annexure "C" requesting to change billing address pertaining to above said consumer number and prayed to issue the bill in his residential address, Room no. 8, ground floor, Bldg. no. 2, 88, Jitekar Wadi, Thakurdwar, Mumbai - 400 002. It appears that the IGR without issuing any notice to Shri Vastimal as well as without making any enquiry has blindly changed the billing address from commercial place to residential place. It appears that Shri Vastimal has filed application before the General Manager, BEST and objected the action of IGR of changing the billing address. The GM, BEST directed the authorities to treat the said objection as Annexure 'C' and hear the parties. It reveals that IGR heard arguments of both the brothers and passed the order reverting back the previous billing address. This order of IGR has been challenged by the complainant Shri Hastimal before us by filing complaint under Schedule 'A'.
- 4.0 We have asked Shri Hastimal as to why there was need to change the billing address of the said account number He is unable to explain satisfactorily as to why on 21/06/2016 he filed application for change in address. We have gone through the said application which is on pg. 47/C, in which there is no explanation as to why the change is necessary in billing address. It appears that without any enquiry with Shri Vastimal the IGR has allowed the application for change in billing address. It reveals that Shri Vastimal has rightly objected the action of IGR in changing the billing address. IGR ought to have issued notice to Shri Vastimal and called for his submission. That has not been done by the Distribution Licensee who arbitrarily without any just and sufficient cause effected the change of billing address.
- 5.0 Having regards to the above said reasons we do not find any substance in the complaint filed by Shri Hastimal. It appears that the property where electric supply is given is under development and therefore Shri Hastimal might have tempted to effect change in billing address. This might be the reason why the dispute is in between two real brothers. Admittedly, dispute in respect of property is pending before the civil court. After adjudication of dispute by Civil Court, both the brothers have right to approach the Distribution Licensee for their grievance. Thus, the complaint deserves to be dismissed. In result we pass the following order.

ORDER

1. The complaint no. S-D-341-2017 dtd. 17/11/2017 stands dismissed.
2. Copies of this order be given to both the parties.

Sd/-
(Dr. M.S. Kamath)
Member

Sd/-
(Shri V.G. Indrale)
Chairman