

**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 S-C-401-2019 dtd. 21/11/2019**

Shri Mahesh K. Jain .....Complainant

V/S

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

**Present**

Chairman / Member Licensee

Quorum : Shri K. Pavithran

Member

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

On behalf of the Respondent (1) : 1. Shri. G.D. Pise, AECCC  
BEST Undertaking 2. Shri D.S. Dorage, Ag. AAMCCC

On behalf of the Respondent (2) : 1. Shri Hukamchand Jain

On behalf of the Complainant : 1. Shri Mahesh Jain  
2. Shri Naresh Jain

Date of Hearing : 15/01/2020

Date of Order : 23/01/2020

**Judgment**

Shri Mahesh K. Jain, A/4, Lokmilan Chandanwadi, Near Nahar amrut Shakti, Sakinaka, Andheri (E), Mumbai - 400 072 has come before the Forum for dispute regarding transfer of electric meter in the name Hukamchand Kundanmal Jain pertaining to A/c no. 433-025-015 having electric supply at 127, Babu Khote Street, Jamli Mohalla, Pydhone, Mandvi, Mumbai - 400 003.

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

The complainant has approached to IGR Cell on 25/09/2019 dispute regarding transfer of electric meter in the name Hukumchand Kundanmal Jain pertaining to A/c no. 433-025-015 having electric supply at 127, Bapu Khote Street, Jamli Mohalla, Pydhonie, Mandvi, Mumbai - 400 003. The complainant has approached to CGRF in schedule 'A' dtd. 14/11/2019 received by CGRF on 14/11/2019 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 The complainant Shri Mahesh K. Jain come before the Forum regarding his dispute about transfer of electricity bill in the name Shri Hukumchand Kundanmal Jain pertaining to A/c no. 433-025-015 in the year 2006. The complainant has further requested to the Forum that kindly arrange to give him clear copy of NOC and other documents submitted along with by Shri Hukumchand K. Jain at the time of change of name.
- 2.0 The electric supply was given in the name of Mahesh Metal Mart in the year 1971. The electric meter was transferred in the name of Shri Hukumchand K. Jain vide application no. 1181 dtd. 17/11/2006. Along with application he had submitted the following documents.
  - a) Shop and Establishment License in the name of Mahalaxmi Metal Mart.
  - b) NOC from Shri Mahesh Jain.
  - c) Death Certificate of his father.
  - d) Rent receipt in the name of his father i.e. Shri Kundanmal Jeharmal.
- 3.0 Accordingly the electricity bill was transferred from November 2006. In the year 2018 the complainant has obtained documents submitted by Shri Hukumchand Jain at the time of transfer of electricity bill under RTI 2005 and then he filed complaint in Annexure 'C' on 30/07/2019. He stated that the documents submitted by Shri Hukumchand Jain are forged documents.
- 4.0 The Undertaking had accepted all the documents by the consumer are deemed to be legal and valid. The verification of forged documents are not under the purview of the Undertaking. The complainant has raised the objection for change of name after 13 years.

**REASONS**

- 1.0 We have heard argument of the complainant in person and for the Respondent BEST Undertaking Shri. G.D. Pise, AECCC and Shri D.S. Dorage, Ag. AAMCCC. The Respondent No. 2 Shri Hukamchand Jain was informed to attend the hearing on the date. However, he did not attend the hearing on the date scheduled and telephonically informed that, he is ready to accept the decision of the Forum. Hence the hearing was proceeded with complainant and Respondent no. 1. Perused the documents filed by either parties to the proceeding.

- 2.0 The complainant has vehemently submitted that the action of the Respondent BEST Undertaking effecting the change of name in the name of Shri Hukamchand Jain is without verifying the legality and authenticity of documents submitted at the time of application for change of name. He further submitted that he has asked the Respondent BEST Undertaking under RTI Act 2005, for copy of application submitted by the Respondent No. 2 for change of name in the first instance on 13/12/2018. Perused the documents submitted by both the parties in line with their written submission. The Forum has observed that the complainant has first approached BEST Undertaking under RTI Act 2005 application on 13/12/2018 for getting the relevant papers in connection with effecting the change of name. Accordingly, Public Information Officer, Customer Care 'C' ward, issued the reply informing that the documents submitted for the change of name are not available in the record section and asked the complainant to approach First Appellate Authority, Superintendent Customer Care 'C' ward. The complainant afterwards approached the Respondent No. 1 BEST Undertaking with First Appeal under RTI Act 2005 and the reply was given to the complainant informing that documents under RTI Act 2005 are not available and requested the complainant to approach IGR Cell under Annexure 'C'. Accordingly, the complainant approached with Annexure 'C' on 03/07/2019 and got the reply on 29/07/2019 from the Respondent no. 1 BEST Undertaking informing that, after thoroughly searching the documents once again same are located and certified copy of documents are issued to the complainant. The complainant then approached in second time under Annexure 'C' dtd. 22/08/2019 received in IGR Cell on 25/09/2019.
- 3.0 The complainant Shri Mahesh Jain further argued that after the perusal of copy of NOC, he is sure about the fact that the signature is not of his and he requested BEST Undertaking for a legible copy of the NOC letter which is not yet issued by BEST Undertaking.
- 4.0 He further submitted that even though change of name has been effected by BEST in the year 2006, he came to know only after the death of his mother in the year 2019. He also submitted that, he has already filed a suit in City Civil Court for claiming the ownership of the premises and therefore asked the Forum to reinstate the name on electricity bill to its initial name. In this situation Forum asked the complainant to submit the copy of suit filed in the court. However, the complainant Shri Mahesh Jain requested the Forum to grant one week time to submit the copy of suit filed in the City Civil Court. The Forum has accordingly granted one week time to submit the suit papers.
- 5.0 The Respondent BEST Undertaking has submitted that the required available copy of application submitted for change of name has been issued to the complainant. Since the complainant argued that the copy of letter NOC is not readable due to faint copy, and therefore required for a legible copy of the same. The Forum in accordance with this prayer of the complainant, directed the Respondent BEST Undertaking to issue a legible copy of NOC letter within 2 days.

- 6.0 The Respondent BEST Undertaking further submitted that the change of name has been effected on 17/11/2006 and the complainant has approached to IGR Cell on 03/07/2019 and 22/08/2019 i.e. after 11 years and therefore the complaint is not admissible under Regulation 6.6 of MERC (CGRF & EO), Regulations 2006.
- 7.0 At this juncture we wish to observe that certainly as per Regulation 6.6 of MERC (CGRF & EO), Regulations 2006, the Forum shall not admit any grievance unless it is filed within two years from the date on which the cause of action has arisen. The cause of action in this case has certainly arisen in the year 2006 when the electricity connection has been transferred in the name of Shri Hukamchand Jain. The complainant has submitted that on the basis of false and forged documents, Shri Hukamchand Jain has got effected the change of name in his name and therefore it is liable to be reversed back to its previous name. On this point we wish to observe Clause 2.9 of Terms and Conditions of Supply Code approved by MERC as,

*“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.”*

Thus in view of Clause 2.9, we did not give much importance to the submission of complainant that no objection letter submitted by the Respondent no. 2 Shri Hukamchand Jain is fake and forged.

- 8.0 Having regard to the above said Clause 2.9 of Terms and Conditions of Supply Code approved by MERC, it is for the complainant to take appropriate action against Shri Hukamchand Jain before appropriate Court. The complainant has revealed that he has already filed suit against the Respondent No. 2 in City Civil Court Mumbai and the related papers of the same will be submitted to the Forum within one week. However, the complainant has submitted unauthentic and incomplete copy of Notice of Motion.
- 9.0 If viewed from this angle, it reveals that the Forum cannot take cognizance of the complaint as it is barred by limitation as per Regulation 6.6 of MERC (CGRF & EO), Regulation, 2006. After going through the Regulation 6.6, it appears that word “Forum” has been used in the Regulation and therefore even if the complaint is filed after two years, the IGR can entertain it.
- 10.0 Having regard to the above said reasons we do not find any substance in the grievance raised by the complainant to revert back the name on electricity bill to its previous name. As per Regulation 6.6 of MERC (CGRF & EO) Regulation, 2006, the Forum cannot take cognizance of this complaint which has been filed after 13 years of effecting the change of name in the name of Shri Hukamchand Jain. Likewise the

Forum shall not entertain the grievance as dispute pending between complainant and Shri Hukamchand Jain before City Civil Court Mumbai. However, the complainant has requested to issue a legible copy of NOC letter submitted by the Respondent No. 2 is admitted, accordingly the Respondent No.1 BEST Undertaking has been directed to issue a legible copy of the same within two working days. Thus the complaint deserves to be partly allowed.

- 11.0 Before parting to pass the final order, we wish to say that the complainant asked for one week time to submit the copy of suit filed in the City Civil Court and therefore delay in deciding the grievance. In result we pass the following order.

### ORDER

- 1.0 The grievance no. S-C-401-2019 dtd. 21/11/2019 stands partly allowed and the Respondent no. 1 BEST Undertaking is directed to issue the legible copy of NOC letter submitted by the Respondent no. 2 within 2 working days.
- 2.0 Regarding the other issue, the Forum cannot take its cognizance due to the reason cited in above paragraph and therefore dismissed.
- 3.0 Copies of this order be given to all the concerned parties.

sd/-  
(Shri K. Pavithran)  
**Chairman / Member Licensee**

sd/-  
(Dr. M.S. Kamath)  
**Member**