

	Date	Month	Year
1	Date of Receipt	12	01 2024
2	Date of Registration	15	01 2024
3	Decided on	13	03 2024
4	Duration of proceeding	58 days	
5	Delay, if any.	—	

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. FS-492-2023 dtd. 15/01/2024

Smt. Poornima Ganesh ChavanComplainant

V/S

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

Shri Amit Balaram ChavanRespondent no. 2

Present

Chairman

Coram : Shri M.S. Gupta, Chairman

Member

1. Smt. Anagha A. Acharekar, Independent Member
2. Smt. Manisha K. Daware, Technical Member

On behalf of the Respondent no. 1 : 1. Shri Sanjivan T. Damse

On behalf of the Complainant : 1. Shri Sunil Ganesh Chavan

On behalf of the Respondent no. 2 : 1. Shri Amit Balaram Chavan

Date of Hearing : 06/03/2024

Date of Order : 13/03/2024

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Judgment

- 1.0 The facts of the complainant's case, in short compass, are that the complainant Smt. Poornima Ganesh Chavan has been residing in 2/6, Ground floor, Sankata Prasad Chawl, G.D. Ambekar Marg, Ambewadi, Kalachowki, Mumbai - 400 033 (for short "the premises") along with her family. Her husband Shri Ganesh Chavan expired on 24/11/2019. The consumer no. 565-157-015 (old) and electricity meter no. J185973 (for short "said meter") in the said house was standing in the name of her mother-in-law late Jankibai Chavan. Thereafter, it was transferred in the name of the complainant with new consumer no. 565-157-032.
- 1.1 Later on the respondent no. 2 Shri Amit Chavan raised objection with the respondent no. 1 BEST Undertaking on the ground that family tree submitted by the complainant is incorrect and misled the Undertaking while transferring the electricity meter in her name. She stated that she was not intending to cheat or mislead the respondent no. 1 and the family tree was prepared as per the instruction of her Advocate. However, on 30/10/2023 the respondent no. 1 reverted the said electric meter in the name of late Jankibai Chavan simply on the submission of the respondent no. 2.
- 1.2 The complainant further submitted that during the life time of late Jankibai Chavan, a Relinquishment Deed was executed wherein late Balaram Chavan, father of the respondent no.2, had relinquished his share in the premises by accepting Rs. 30,000/- towards his share from late Ganesh Chavan. Lastly, he submitted that the allegation leveled by the respondent no.2 against her are baseless and she requested to give an opportunity to submit her contentions in detailed.
- 2.0 The respondent no. 1 by its reply contented that the said meter has been standing in the name of late Jankibai Chavan. On 28/12/2019, the complainant has applied for change of name and submitted documents vide Exhibit-B. Later on the respondent no. 2 raised objection for change of name and submitted various documents contending that the complainant has given wrong information and misled the BEST Undertaking and got electricity meter transferred in her name. Accordingly, site inspection for physical occupancy was done on 04/10/2023 by the Inspector of respondent no. 1. As per his report, the complainant was physical occupant of the said premises. Vide letter dtd. 10/10/2023, the complainant was asked to submit documents related to the premises, else, the said meter will be reverted back in the name of the previous consumer. On 23/10/2023, the complainant submitted documents of ownership of the said premises along with rent receipts, NOC of co-op. society etc. vide Exhibit - H. Accordingly, vide letter dtd. 27/10/2023, the respondent no. 1 informed the complainant that as the respondent no. 2 has raised objection in writing and information given by her is incomplete, it had reverted back the aforesaid consumer

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Name: M. H. Horelkar

account in the name of previous consumer late Jankibai Chavan. Lastly the respondent no. 1 contended that they had maintained the status-quo in the name of late Jankibai Chavan on the basis of objection raised by the respondent no. 2. Hence, they contended that the complaint may be dismissed.

3.0 The respondent no. 2 filed his reply on 06/02/2024. He contended that his grandparents late Sitaram Chavan and late Jankibai Chavan are survived by one daughter and two sons viz. Leela Chavan, respondent no. 2's father late Balaram Chavan and his uncle late Ganesh Chavan. During the course of time all of them expired. The complainant is the wife of his uncle late Ganesh Chavan. The said premises is joint family property. In 2019, the complainant has falsely submitted wrong family tree with the respondent no. 1 and got electricity meter transferred in her name. As soon as he learnt about this mischief, he raised objection and the respondent no. 1 has rightly restored the name of late Jankibai Chavan. According to him the transfer of meter was done by fraud played by the complainant. Hence, he submitted that the grievance of the complainant is baseless and liable to be rejected.

4.0 From rival submissions of the parties following points arise for our determination with findings thereon for the reasons to follow.

Sr. No.	Points for determination	Findings
1	Whether reversion of name on electricity meter done by the respondent no. 1 vide letter dtd. 27/10/2023 is valid ?	Negative
2	What order ?	As per final order.

REASONS

5. Point no.1

At the very outset, it is to be noted that the complainant is not disputing the family tree of late Sitaram Chavan and late Jankibai Chavan as submitted by the respondent no. 2 with his reply dtd. 06/02/2024. From the said family tree, it transpires that late Sitaram Chavan and late Jankibai Chavan were having three children namely Leela, Balaram and Ganesh. All of them are expired. The complainant is the wife of late Ganesh Chavan, while the respondent no. 2 Shri Amit Chavan is the son of late Balaram.

5.1 Indisputably, the said meter was standing in the name of late Jankibai. Ganesh Chavan expired on 24/11/2019. On 20/12/2019, the complainant filed an application with the respondent no. 1 for transfer of said meter in her name. Accordingly, on 20/12/2019, the said meter was transferred in her name. However, on 21/09/2023, the respondent

no. 2 raised objection for change of name. Later on, on 27/10/2023, the respondent no. 1 again reverted the said meter in the name of late Jankibai Chavan.

- 5.2 The crux of the contention raised by the respondent no. 2 is revolving around the issue that the complainant has submitted a wrong family tree while getting her name transferred in the said meter by misleading the respondent no.1. He, therefore, submitted that the relief sought by the complainant may not be granted. As against this, the complainant vehemently submitted that on the basis of advice given by her Advocate, in her indemnity bond submitted to the respondent no. 1 she had given family tree without including rest of the heirs of late Jankibai Chavan and late Sitaram Chavan. She had no such intention to play any mischief or mislead to the respondent no. 1 in order to secure favourable order.
- 5.3 On perusal of the documents submitted on the record by the complainant as well as the respondent no. 1, it is apparent that the rent receipts of the said premises have been standing in the name of late Ganesh Chavan since 1999. Even, during the course of argument, the complainant has brought the bundle of rent receipts till 2009 and all of them are standing in the name of late Ganesh Chavan. Even the proposed Khapribaba CHS where the said premises is situated has issued NOC dtd. 23/03/2023 for transfer of the said meter in the name of the complainant. The respondent no. 2 through its enquiry inspector made site investigation of legal occupancy of the said premises and it was found that the complainant has been in possession of the said premises. The complainant has also filed Relinquishment Deed dtd. 15/02/1988 executed between late Ganesh Chavan and late Balaram Chavan. On perusal of the said document it reveals that the price of the said premises was decided as Rs. 60,000/-. Accordingly, late Ganesh had paid Rs. 30,000/- to Balaram Chavan on 15/02/1988 whereby Balaram Chavan had relinquished his share in the said premises. As against this, the respondent no. 2 has not filed any single document except the correct family tree of late Jankibai Chavan and late Sitaram Chavan.
- 5.4 The respondent no. 2 vehemently argued that the Relinquishment Deed dtd. 15/02/1988 is bogus and fabricated document and cannot be relied upon. The Forum is of the view that this issue can very well be agitated and get adjudicated before and by the competent civil court. However, the fact remains that the rent receipts of the said premises have been standing in the name of late Ganesh Chavan since 1999. Besides, the name of the complainant was recorded on the said meter in 2019 immediately after the demise of late Ganesh Chavan. The complainant has been in possession of the said premises. So prima facie, it appears that the claim of the complainant to record her name in the said meter is far better than that of the respondent no. 2.

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Below it, the word "Name" is written in blue ink.
To the right of "Name", there is a signature that appears to be "M. B. Bhandari" written in blue ink.

premises. So prima facie, it appears that the claim of the complainant to record her name in the said meter is far better than that of the respondent no. 2.

- 5.5 The respondent no. 2 did whisper nothing as to what steps have been taken by him since after demise of late Jankibai and his father late Balaram atleast to get the rent receipts jointly in the name of all the heirs of late Jankibai. Even after death of Ganesh in 2019 no steps have been taken by the respondent no. 2 in respect of the said premises as well as the said meter. So at this juncture it will be unjust and improper to discard the legitimate prima facie claim of the complainant to get the said meter transfer in her name simply on the ground that she had incorrectly submitted the family tree of late Jankibai before the respondent no. 1.
- 5.6 Various documents submitted by the complainant as well as the respondent no. 2 depict that Ganesh, the husband of the complainant, had been regularly paying the rent of the said premises. The same has never been disputed by the respondent no. 2. In such circumstances it may be premature to raise any doubt on the Relinquishment Deed executed between Balaram Chavan and Ganesh Chavan way back in 1988. If the respondent no. 2 has any objection to the said Relinquishment Deed, he will be at liberty to challenge the same before the competent civil court.
- 5.7 After death of Jankibai, her son Ganesh and after him, his wife Poornima Chavan (the complainant) is the proper person to get recorded her name in the said meter especially when the aforementioned documents have been standing in the name of her deceased husband Ganesh Chavan. For the foregoing reasons we are of the view that simply because the respondent no. 2 has raised certain objections for transfer of name on the said meter, it should not have been retransferred in the name of original registered consumer by the respondent no. 1 as the complainant and her family has been occupying the said premises, paying its rent and also in possession of document such as Relinquishment Deed executed in their favour by late Balaram. Consequently, at this juncture the complainant is entitled to get transfer the said meter in her name. Eventually, the order dtd. 27/10/2023 passed by the respondent no. 1 for retransfer of the electricity connection i.e. the said meter in the original registered consumer i.e. late Jankibai is liable to be declared as incorrect and invalid. As such the order dtd. 27/10/2023 is set aside and declared as invalid. In net result, we answer the point no. 1 in negative and pass the following order as answer to point no. 2.

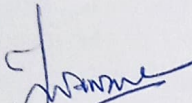
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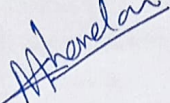
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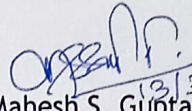
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ORDER

1. The Grievance No. FS-492-2024 dtd. 15/01/2024 is allowed.
2. The respondent no. 1 is directed to restore the name of the complainant in respect of said meter no. J185973 within 15 days from the date of receipt of this order.
3. Copies of this order be given to all the concerned parties.


(Smt. Manisha K. Daware)
Technical Member


(Smt. Anagha A. Acharekar)
Independent Member


(Shri Mahesh S. Gupta)
Chairman
13/3/2024