

	Date	Month	Year
1	Date of Receipt	05	04 2024
2	Date of Registration	12	04 2024
3	Decided on	31	05 2024
4	Duration of proceeding	49 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. FN-495-2024 dtd. 12/04/2024**

Shri Subhashchandra Jaiswar .....Complainant

V/S

B.E.S.&T. Undertaking .....Respondent no. 1

Shri Rajesh Singh .....Respondent 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. Smt M.B.Ugale  
2. Smt S.A. Gosavi

On behalf of the Complainant no. 1 : Shri Subhashchandra Jaiswar

On behalf of the Respondent no. 2 : Shri Rajesh Singh

Date of Hearing : 21/05/2024

Date of Order : 31/05/2024

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### Judgment

- 1.0 The grievance of the complainant is that the respondent no. 2 has illegally got changed his name in the electricity meter bearing a/c no. 608-032-215.
- 1.1 The complainant's case, in short compass, is that he was running a flour mill in the name of Shrinath Flour Mill at ground floor, Sanjay Gandhi Nagar, Sion Road No. 29, Sion Fort, Sion (E), Mumbai - 400 022 (for short "the said premises"). He was having a commercial electric meter in the said premises. However, on 15/02/2018, the respondent no. 2 tried to get installed new meter in the said premises. During the visit by the officers of the respondent no. 1, it was noticed that there is already an electric meter in the said premises and therefore application for installation of new meter was rejected.
- 1.2 The complainant further submitted that again without his NOC and with the help of fake and fabricated documents, the respondent no. 2 got transferred the said electric meter in his own name. Hence, he made the complaint with the AMMCC(FN), but to no effect. As such, he prayed for issuance of directions to the respondent no. 1 to revert the electricity meter in his name.
- 2.0 The respondent no. 1 categorically stated in its reply that both the complainant and respondent no. 2 have submitted various documents in support of their rival claims. The complainant has made statement that the shop in the said premises was being run by the respondent no. 2 on rent. After few days, the respondent no. 2 occupied the entire premises and got changed his name in the electricity bill. It is further contended that after change of name was done, on 09/05/2019, the complainant has filed a case in the court which is pending. The complainant has also lodged a complaint in the police station against the respondent no. 2. Therefore, its officer has informed the complainant to obtain final order from the court then only the name will be reverted in his name.
- 3.0 The respondent no. 2 in his reply stated that on 18/02/2015 the complainant has executed Sale Deed, Affidavit and Power of Attorney in respect of the said premises in his favour. Hence, he became the owner and occupier of the said premises. Accordingly, on the basis of these documents, he got transferred the electricity meter in his name. He also contended that the said premises was standing in the name of one Shri Gangaram Jaiswar. On 26/06/2002 he purchased the said premises from said Shri Gangaram. Since he has been in possession of the said premises as its owner. Besides, the complaint is barred by limitation. For all these reasons the complaint is liable to be dismissed.

*Arpita*

*A. K. Khandelwal*

*S. K. Sharma*



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 the change of name carried out by the respondent no. 1 in the name of respondent no. 2 is valid ?	Negative
2	What order ?	As per final order.

### REASONS

5. Point no.1

We have heard both the parties and the respondent no. 1. We have gone through the documents filed by them. The complainant during the course of arguments submitted that his father late Shreenath Jaiswar started flour mill in 1993 in the said premises. He got electricity meter installed in the said premises in 2009. He had paid the electricity bills till 2017. In 2018, he let out the said premises to the respondent no. 2 by removing his flour mill. The respondent no. 2 applied for another meter in the said premises to which the complainant raised objection and therefore his application was rejected. Thereafter, the respondent no. 2 divided the said premises in two parts and got new meter installed as well as on the basis of bogus and fake documents got changed his name in the old electricity meter installed in the said premises. So, he submitted that the name of the respondent no. 2 may be deleted from the said electricity meter and his name may be directed to be inserted.

5.1 As against this, the respondent no. 2 contended that in 2002 he purchased the said premises from one Shri Gama alias Gangaram Birbal Jaiswar. He started residing in the said premises since 2013. The electricity meter in the said premises was standing in the name of the complainant. He has paid the electricity bill till 2018. His application for installation of additional meter in the said premises was rejected in 2018 itself. As the complainant has made claim over the said premises, in 2015 again he purchased the said premises from the complainant, he divided the said premises into two parts and got installed new meter in one of the parts. According to him, both the parts are independently bearing no. 417A & 417B. On the basis of the documents executed by the complainant in his favour, the name of the complainant has been deleted and his name has been inserted in the said electric meter. As the complainant has frequently raised dispute, he filed private criminal case u/s 145 at Bhoiwada Court which is pending.

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- 5.2 The officers of the respondent no. 1 vehemently argued that the complainant is old consumer of the BEST Undertaking till 2018. In 2018, the respondent no. 2 applied for new electric connection in the said premises. But it was rejected. In 2019 he applied for change of name in the old electricity meter and accordingly it was done on the basis of the documents filed by the respondent no. 2.
- 5.3 It is to be noted that the old electricity meter in the said premises was standing in the name of the complainant continuously till 2018. Thereafter, in 2019 the respondent no. 2 has applied to the respondent no. 1 for change of name on the electricity bill of the old consumer number which was standing in the name of the complainant. He had submitted certain documents before the respondent no. 1 like Sale Deed, Affidavit, General Power of Attorney etc. On that basis his name has been inserted in the electricity meter standing in the name of the complainant which was allotted new consumer no. 608-032-098.
- 5.4 Astonishingly, at one juncture the respondent no. 2 contended that on 26/06/2002 he had purchased the said premises from Shri Gama alias Shri Gangaram Jaiswar and at another juncture he contended that on 18/02/2015 he again purchased the same property from the complainant. No prudent man will commit such blunder of purchasing the same property from different persons that to after the lapse of more than 13 years without any justifiable cause.
- 5.5 Significantly, in 2018, the respondent no. 2 had applied for additional meter in the said premises and his application was rejected being objected by the complainant on the ground that already there has been a meter in the said premises. At that time the respondent no. 2 did not whisper that he became the owner of the said property being purchased from the complainant in 2015 and the complainant had no right to raise any objection either for change of name or for installation of additional meter.
- 5.6 Admittedly, now the respondent no.2 raised temporary partition in the said premises to show that there are two different portions and succeeded in getting another meter in the second part of the said premises. So, it appears that as his earlier application for installation of new meter in the composite part was rejected, he temporarily divided the said premises in two parts for getting additional meter in the said premises. Thereafter, he applied for change of name in the old electricity meter standing in the name of the complainant claiming that he had purchased the entire property from him in 2015. Pertinent to note that the documents submitted by the respondent no. 2 for change of name before the respondent no. 1 are not readable. Besides, the respondent no. 1 even did not bother to verify from the complainant as to whether he has any objection for change of name in the electricity meter especially when on the grievance

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raised by the complainant, the earlier application for installation of new meter filed by the respondent no. 2 was rejected by the respondent no. 1. The respondent no. 1 ought to have enquired from the complainant before making any changes in the name when already there was an objection raised by the complainant and which was accepted by the respondent no. 1 in 2018.

5.7 The respondent no. 1 by order dtd. 22/09/2023 of the Administrative Officer simply informed the complainant that as there is a matter pending in the court, the department is unable to proceed further till the decision of the court. Neither the Administrative Officer nor the respondent no. 2 disclosed the details of the alleged matter pending in the court. When we enquired with the complainant whether he has filed any case in the court, he flatly denied it. In this regard, the respondent no. 2 has submitted that he has filed a case u/s 145 against the complainant in respect of threatening and assault. He has neither filed any document nor disclosed under which Act the said case has been filed.

5.8 Regulation 7.9 (a) of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2020 (for short "the Regulation") emphasis that the Forum shall reject the Grievance at any stage under the following circumstances:

*(a) In cases where proceedings in respect of the same matter and between the same Complainant and the Licensee are pending before any court, tribunal, arbitrator or any other authority, or a decree or award or a final order has already been passed by any such court, tribunal, arbitrator or authority;*

*(b) xxx xxx xxx*

*(c) xxx xxx xxx*

*(d) xxx xxx xxx*

*(e) xxx xxx xxx*

The details of any such proceeding alleged to have been filed by the respondent no. 2 has not been placed on record. So simply on the basis of an averment that a matter has been pending in the court no inference can be drawn as to whether it is in respect of the same matter which is being agitated before this Forum. Consequently, the decision taken by the Administrative Officer by order dtd. 25/09/2023 appears to be arbitrary and is not according to the settled provisions of the Regulation. That apart, the respondent no. 1 has not got verified from the complainant who had raised objection in 2018 immediately just before making changes in the name.

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- 5.9 The respondent no. 2 contended that the grievance is barred by limitation. Hence, it is liable to be dismissed. Regulation 7.8 of the MERC Regulations, 2020 emphasis that *"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"*.
- 5.10 Perusal of the record reveals that the respondent no. 2 has submitted all together two different sets of documents in respect of his title in the said premises in the year 2018 and 2019 before the respondent no. 1 to suit his purpose. In this way the respondent no. 2 had misled the respondent no. 1 thereby causing irreparable loss to the complainant. Thus, it seems that there has been a recurring cause of action. Hence, this Forum is of the view that the grievance of the complainant is well within limitation.
- 5.11 No doubt the dispute in respect of title in the said premises can very well be agitated by the parties before the competent court of law. However, prima facie it seems that the respondent no. 1 simply on the basis of some documents changed the name of the complainant in respect of the electricity meter in the said premises and inducted name of the respondent no. 2. So the Forum comes to the conclusion that the decision taken by the respondent no. 1 in respect of change of name of the old consumer to the new consumer i.e. from the complainant to respondent no. 2 is unjust and improper and is liable to be set aside. Consequently, the point no. 1 is answered in negative.
- 5.12 During the course of proceeding, it is observed by the Forum that when in first instance the complainant took objection for change of name, the respondent no. 2 divided the said premises on his own into two parts showing it to be as number 417A & 417B and succeeded in getting another meter fraudulently for 417B and change of name for 417A.
- 5.13 He misguided the respondent no. 1 and keeping them in dark, he applied for another residential meter for the other part i.e. 417B of the said premises. Further, he requested the respondent no. 1 for correction in the address on the electricity bill of the said premises as 417A and got the change of name done pertaining to a/c no. 608-032-215. Even the respondent no. 1 did not bother to verify the documents in both the instances. The meter no. C190262 was installed for 417B on 28/02/2020 having a/c no. 608-032-116. The complainant informed the Forum that he is completely unaware about the second meter installed at the said premises.

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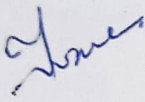
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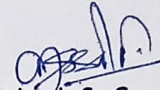
5.14 In view of above, the Forum is of the opinion that the senior officer of the respondent no. 1 should look into and take appropriate steps owing to seriousness of this matter.

ORDER

1. The Grievance No. FN-495-2024 dtd. 12/04/2024 is allowed.
2. The respondent no. 1 is directed to revert the name of the respondent no. 2 in respect of the old electricity meter in the said premises to the name of the complainant.
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