

		Date	Month	Year
1	Date of Receipt	13	06	2024
2	Date of Registration	18	06	2024
3	Decided on	08	08	2024
4	Duration of proceeding	51 days		
5	Delay, if any.			

**BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM**  
**B.E.S. & T. UNDERTAKING**

(Constituted under section 42(5) of the Electricity Act 2003)

Ground Floor, Multistoried Annex Building,  
BEST's Colaba Depot  
Colaba, Mumbai - 400 001  
Telephone No. 22799528

**Grievance No. GS-502-2024 dtd. 18/06/2024**

Khushinara Buddha Vihar Vikas Mandal .....Complainant

V/S

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

Mr. Pradeep Tambe .....Respondent no. 2

**Present**

Chairman

Coram : Mr. M.S. Gupta, Chairman

Member

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

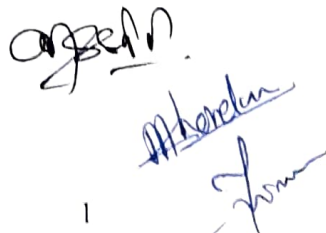
On behalf of the Respondent no. 1 : 1. Mr. D.G. Patil  
2. Mr. N.N. Thale

On behalf of the Complainant : Mr. Kaluram D. Jadhav

On behalf of the Respondent no. 2 : Mr. Atul Londhe

Date of Hearing : 18/07/2024

Date of Order : 08/08/2024



## Judgment

- 1.0 The grievance of the complainant is that the respondent no. 1 had illegally removed the electric meter from the premises of Khushinara Buddha Vikas Vihar Mandal and installed new meter as per request of the respondent no. 2.
- 2.0 The complainant's case, in short compass, as mentioned in the complaint as well as submitted during the course of argument is as under :
- 2.1 The complainant, Shri Kaluram Jadhav the Secretary of a Registered Public Trust namely Khushinara Buddha Vikas Vihar Mandal (for short " the Mandal"). The said trust was registered in 1999. The Mandal had constructed a structure upon the land of Brihanmumabi Municipal Corporation (BMC). The said structure is situated at 983, ground floor, Mariamma Nagar, behind Nehru Centre, Dr. Annie Besant Road, Worli, Mumbai (for short "the said premises").
- 2.2 In 1999, the Mandal has taken an electric connection from the respondent no. 1 for the said premises. In 2017, the respondent no. 2 tried to usurp the possession of the said premises by way of various vindictive tactics. Hence, the complainant had filed a complaint before the Hon'ble Metropolitan Magistrate's Court at Dadar, Mumbai u/s 145 of the court of Criminal Procedure Code vide C.C. no. 1086/CC/2017 and the same is pending.
- 2.3 In 2016, the respondent no. 2 and his associates attempted to take unauthorized electric supply to the said premises from Mrs. Rohini Londhe. Hence, an action was taken against her under section 126 of the Electricity Act, 2003 and fine of Rs. 10,642/- was imposed upon her.
- 2.4 In April 2023, the complainant learnt that the respondent no. 2 is going to make an application to the respondent no. 1 for change of consumer name i.e. the Mandal having consumer no. 749-071-006 and removal of meter no. C181476 from the said premises. The complainant repeatedly made an application to the respondent no. 1 requesting it neither to make any change in the consumer's name nor to remove the old meter from the said premises. However, without any due notice, the respondent no. 1 had removed old meter in May 2023 from the said premises and installed a new meter in the name of Khushinara Buddhavihar Sarvajanic (for short "Sarvajanic").
- 2.5 Thereafter, the complainant lodged a complaint in August 2023 to the Supdt. Customer Care (GS) ward. On oral instructions of the Supdt., he deposited requisition fees as well as security deposit. Accordingly, the electricity bill for the said premises

*[Handwritten signatures and initials]*

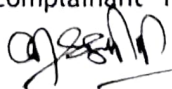
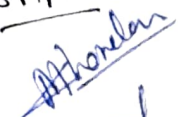

was transferred from the name of the respondent no. 2 Sarvajanik to the complainant's name i.e. Mandal till March 2024. However, all of a sudden in April 2024, the electricity bill of the said premises was issued in the name of Sarvajanik. Hence, the complainant submitted that the order dtd. 25/05/2023 of the respondent no. 1 for change of name of the Mandal and for closing it's consumer no. 749-071-006 be cancelled. Similarly, the order of the respondent no. 1 for removal of old meter no. C181476 be cancelled with a direction to restore old consumer name alongwith meter of the Mandal.

3.0 The respondent no. 1 in its reply as well as during the course of argument its representatives contended that till the complainant submits order of competent authority, the electricity bill may be continued to remain in the name of Sarvajanik. It is further contended that the respondent no. 2 has submitted an application to get supply in the name of Sarvajanik on 25/04/2023 alongwith relevant documents. He further requested to remove the meter no. C181476 in the name of Mandal and issue a new meter in the name of Sarvajanik. He has submitted a copy of order of Hon'ble Charity Commissioner in Change Report no. ACC/IV/3872/2019. By said order, an application for Change Report of the complainant was rejected. The zopadpatti survey dtd. 01/01/1995 describes that the said premises belongs to Sarvajanik. Accordingly, on 27/05/2023, the old meter having a/c no. 749-071-006 was removed and new meter no. 3263722 was installed in the name of Sarvajanik bearing a/c no. 749-071-018.

3.1 The respondent no. 1 further contended that on 07/08/2023, the complainant lodged complaint regarding arbitrary removal of name of the Mandal from the old consumer number. The complainant has submitted an online complaint for change of name. Vide order dtd. 04/12/2023, the change of name was initiated for consumer no. 749-071-018 and new consumer no. 749-071-020 in the name of Mandal was carried out.

3.2 It is also contended by respondent no. 1 that on 22/02/2024, the respondent no. 2 submitted a letter for change of name. After scrutiny of the case it was observed that AOCC(G/S) affected the change of name inadvertently in the name of the Mandal. Hence, on 22/02/2024, the name in electric bill was again reverted in the name of Sarvajanik. Lastly, it is submitted that the Mandal is required to submit order of competent authority till then the electricity bill may continue to remain in the name of Sarvajanik.

4.0 The respondent no. 2 in his reply as well as in oral argument submitted that Khushinara Buddhavihar is a public place of worship. He denied that it is in the possession of and managed by the complainant Trust. The complainant is taking



undue advantage of similarity in the name Khushinara Buddhavihar and his Trust Khushinara Buddhavihar Vikas Mandal. The complainant's allegation that he is trying to grab the possession of the said premises is totally baseless and false. Amongst other grounds, he contended that the complaint may be rejected.

5.0 From rival pleadings and submissions of both 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 order dtd. 25/05/2023 of Respondent no. 1 removal of the name of Mandal and removal of old meter no. C181476 is valid ?	Negative
2	Whether the change of name carried out by the respondent no. 1 in the name of Sarvajanik by removing old meter and installing new meter is valid ?	Negative
3	What order ?	As per final order.

#### REASONS

6.0 Point no.1

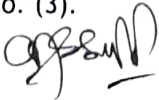


We have heard both the parties and perused documents on record. The original electric connection in the said premises was in the name of the Mandal since 1999 bearing consumer no. 749-073-161, meter no. D994680. In 2014, due to non-payment of the electricity bill, the said meter was removed. In 2016, the Mandal had registered requisition for supply and it was restored on 18/07/2016 bearing a/c no. 749-071-006 (meter no. C181476).

6.1 On 25/04/2023, the respondent no. 2 submitted an application for supply of electricity in the name of Sarvajanik. He has submitted various documents along with an order dtd. 20/01/2023 of Asst. Charity Commissioner, Mumbai and zopadpatty survey no. 983 dtd. 01/01/1995. Accordingly, new meter bearing no. 3263722 has been installed in the name of Sarvajanik having consumer no. 749-071-018. Subsequently, on 27/05/2023 the old meter in the name of Mandal was removed being in the same premises. The complainant has submitted an online application for change of name. Accordingly on 04/12/2023 it was carried out and was allotted new consumer no. 749-071-020 in the name of Mandal. The electric bills were issued in the name of Mandal till January 2024.

- 6.2 Again, on 22/02/2024, the respondent no. 2 filed an application for change of name and after scrutiny it was observed that inadvertently the name of Mandal was carried out in respect of the said electric meter. Accordingly, it was reverted in the name of Sarvajani. However, it was not done and without any justifiable cause the old meter was arbitrarily removed by the respondent no.1.
- 6.3 Undisputedly, in the said premises since 1999 till April / May 2023 an old electric meter was standing in the name of Mandal. It is to be noted that neither the respondent no. 1 had issued any notice to the complainant nor given an opportunity for hearing before removal of the old meter and installation of new meter within the same premises. The old meter in the said premises was standing in the name of Mandal. Hence, it was bounden duty of the respondent no.1 to give sufficient opportunity of hearing to the complainant to submit its objection, if any, before removal of the meter. However, it was not done and without any justifiable cause the old meter was arbitrarily removed by the respondent no.1.
- 6.4 During the course of argument, both the respondents submitted that the learned Asst. Charity Commissioner vide order dtd. 20/01/2023 categorically observed that the complainant is trying to mislead the authority to grab the property unlawfully by submitting change of reports. Thus, it appears that only after the said order, the respondent no. 2 filed an application for removal of electric meter standing in the name of the Mandal and for installation of new meter in the name of Sarvajani.
- 6.5 Apparently, the matter pertaining to either electric supply or change of name or removal of meter or installation of new meter was neither directly and substantially in issue before the learned Asst. Charity Commissioner nor it was heard and finally decided by the said Authority. So, simply because change of report in respect of the property name of the said premises has not been accepted by the Hon'ble Charity Commissioner, according to change report filed by the complainant, no adverse inference can be drawn against the Mandal that it is not entitled to continue with the then existing meter in its name. That apart, the principal of natural justice of being heard the complainant by the respondent no. 1 before removing its meter from the said premises is not at all followed by the respondent no. 1 who eventually gave the order of removal of the old meter no. C181476 appears to be baseless and without any proper finding. So far as title of the premises is concerned, the respondent no. 1 is not required to go into detail of the same. Moreover, in the present case, there was only dispute in respect of the property number as per the survey carried out by BMC.


- 6.6 Surprisingly, the respondent no. 1 not only simply removed the old meter standing in the name of Mandal but also installed another meter in the said premises in the name of Sarvajanik. No justifiable cause is either stated or made out from the submissions of both the respondents to substantiate their contentions.
- 6.7 It is worth name to go through the departmental letter of the respondent no. 1 dtd. 25/05/2023. This letter describes that an application for new connection in the same premises is already having electric meter. As per the application of the respondent no. 2 the said meter was installed unauthorizedly in the name of Mandal. The same has been checked and dispute was resolved.
- 6.8 The said premises is in the name of Sarvajanik, so officer of the respondent no. 2 requested by another officer to remove the meter no. C181476. This letter does not depict as to how they came to the conclusion that the old meter from 1999 till passing of the said order in 2023 was installed in the unauthorized name i.e. Mandal. This letter cannot said to be a justifiable and reasoned order by which the respondent no. 1 get an authority to remove the old meter and to install another meter in the name of Sarvajanik.
- 6.9 Having considered the rival submissions of the parties alongwith documents submitted by them and in the light of forgoing discussions the Forum came to the conclusion that the respondent no. 1 has arbitrarily and unauthorizedly removed the old meter no. C181476 from the said premises and installed a new meter no. 3263722 in the name of Sarvajanik. Removing meter no. C181476 arbitrarily without justifiable reason and without intimation to the owner by the respondent no.1 is a malafide practice and can not be overlooked. Recurring complaints of this nature coming to the Forum needs to be restrained at grass root level.
- 6.10 In this view of the matter, the respondent no. 1 is liable to be directed to revert the electricity connection in the name of Khushinara Buddhavihar Vikas Mandal, the original consumer. Eventually point no. (1) & (2) are answered in negative. We pass the following order as answer to point no. (3).


  
  


ORDER

1. The Grievance No. GS-502-2024 dtd. 18/06/2024 is allowed.
2. The respondent no. 1 is directed to revert the electricity connection in the said premises in the name of Khushinara Buddhavihar Vikas Mandal, the original consumer, at the earliest after receipt of this order.
3. The respondent no.1 is also directed to look into anomaly and avoid recurrence of the similar incidents.
4. Copies of this order be given to all the concerned parties.

  
(Mrs. Manisha K. Daware)

Technical Member  
CGRF BEST

  
(Mrs. Anagha A. Acharekar)

Independent Member  
CGRF BEST

  
(Mr. Mahesh S. Gupta)

Chairman  
CGRF BEST