

	Date	Month	Year
1	Date of Receipt	30	04 2024
2	Date of Registration	06	05 2024
3	Decided on	26	06 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 Electricity Act 2003)

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

Grievance No. GN-496-2024 dtd. 06/05/2024

Shri Waman A. BhoirComplainant

V/S

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

Shri Sandeep B. BhoirRespondent 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

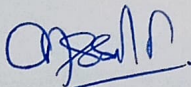
On behalf of the Respondent no. 1 : 1. Shri L.S. Patil,
2. Shri D.S.Thamke

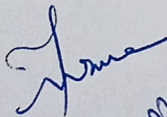
On behalf of the Complainant : Shri Waman A. Bhoir

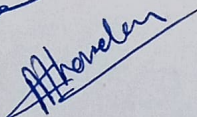
On behalf of the Respondent no. 2 : Shri Sandeep B. Bhoir

Date of Hearing : 14/06/2024

Date of Order : 26/06/2024







Judgment

- 1.0 The complainant's case, in short compass, is that on 09/07/1982 an electric meter bearing no. D843231 (for short, "the said meter") was installed in room no. A/271, Ground floor, Subhash Nagar, Kumbharwada, Dharavi, Mumbai - 400 017 (for short "the said premises") in the name of Amboo alias Ambaji Balu Bhoir, the father of the complainant. Amboo died in (1996)¹⁹⁸⁶ while his wife Laxmibai died in 1999, leaving behind them three daughters and five sons including the complainant.
- 1.1 In 2005, the complainant got transferred the electricity bill of the said meter in his name. However, the respondent no. 1, without informing him, illegally removed his name and transferred the said electricity bill in the name of his mother Late Laxmibai Bhoir. He stated that the respondent no. 2 had filed false complaint with the respondent no. 1 and succeeded in getting the electricity bill in the name of Late Laxmibai. Hence, the complainant requested that the respondent no. 1 may be directed to revert the electricity bill in his name by deleting the name of Late Laxmibai.
- 2.0 The respondent no. 1, in its reply contended that on the basis of the application dtd. 26/06/2005 filed by the complainant for change of name in respect of the said electricity bill, it has been transferred in his name by allotting new consumer no. 799-348-006. On 16/11/2023, the respondent no. 2 has raised an objection in respect of the said electricity bill and requested to disconnect the electricity supply. Accordingly, on 25/01/2024 an order was passed by AAOCC(GN) regarding transfer of the electricity bill in the name of Late Laxmibai.
- 2.1 It is further contended by the respondent no. 1 that in 2005 the complainant did not submit NOC of other legal heirs of Late Ambaji at the time of filing of application for change of name. In view of the Affidavit dtd. 05/01/2005 of the complainant, an objection raised by the respondent no.2 and the order of BMC dtd. 26/10/2023 passed by Asst. Comm. GN ward, the respondent no. 1 had closed the case and transferred the said electricity bill in the name of Late Laxmibai.
- 3.0 The respondent no. 2 in his reply submitted that without obtaining NOC from all the legal heirs of Late Ambaji and Late Laxmibai, the complainant got transferred the electricity bill of the said premises in his name despite the fact that the photopass in respect of the said premises has been cancelled by BMC. He also submitted that the complainant has filed false Affidavit claiming that he is the only legal heir of Late Ambaji and Late Laxmibai. Amongst other grounds, he submitted that the complainant may be directed to vacate the said premises and justice may be delivered to all the legal heirs of Late Ambaji.

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

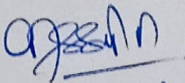
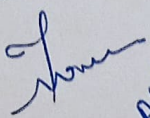
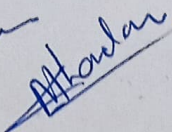
Sr. No.	Points for determination	Findings
1	Whether the change of name carried out by the respondent no. 1 is valid ?	Partially affirmative
2	What order ?	As per final order.

REASONS

5. Indisputably, on 09/07/1982 and electric meter bearing consumer no. 746-348-006 was installed in the said premises in the name of Late Amboo alias Ambaji. Ambaji died in 1996 while his wife Laxmibai died in 1999. After their death, on 26/06/2005, the complainant has filed an application for change of name in the electric bill of the said meter by submitting various documents to the respondent no. 1. Accordingly, the electricity bill has been transferred in his name and new consumer no. 799-348-006 was allotted. On 16/11/2023, the respondent no. 2 raised objection for change of name and accordingly on 25/01/2024, the electricity bill of the said premises has been transferred in the name of Late Laxmibai.

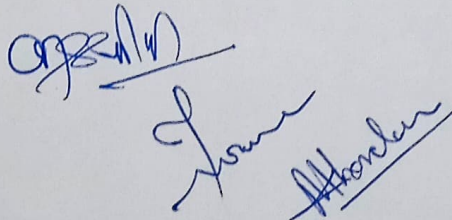
- 5.1 The respondent no. 2 is the son of one Bhagwan Bhoir, one of the brothers of the complainant. Late Ambaji and Late Laxmibai died leaving behind them in all eight legal heirs i.e. three daughters and five sons. In 2005, the complainant has filed an application for change of name in respect of the said electricity bill. Along with his application, he has filed his own Affidavit, consent letter of his sister, Indubai and his brother Dnyaneshwar. Careful perusal of the Affidavit of the complainant filed before the respondent no. 1 clearly depicts that he is the only legal heir of Late Ambaji and Late Laxmibai. In his Affidavit he stated that there is no other legal heir or heirs accept himself to claim the estate of his deceased mother i.e. Laxmibai.

- 5.2 Thus, it is apparent that relying on the Affidavit and other relevant documents filed by the complainant for change of name in the electricity bill, the respondent no. 1 had transferred the said electricity bill in his name. During the course of argument, the complainant submitted that as other legal heirs and Late Ambaji and Late Laxmibai let the said premises to him and he was staying along with Laxmibai in the said premises, he had not disclosed in his Affidavit that there were other legal heirs. We are not convinced by the said submissions of the complainant because Affidavit is a document solemnly affirmed and believed to be true and correct to the best of knowledge and belief of the deponent. The said Affidavit is totally silent about the argument


canvassed by the complainant before this Forum that as other legal heirs are not staying in the said premises, he claims himself to be only legal heir of Late Ambaji and Late Laxmibai.

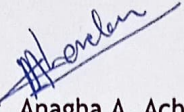
- 5.3 Hence, it is abundantly clear that the complainant has filed an application for change of name before the respondent no. 1 with malafide intention of usurping the legal rights, title and custody of the said premises of other legal heirs of Late Ambaji and Late Laxmibai who had never given their consent / NOC in favour of the complainant. Therefore, the respondent no. 1 has reverted the said electricity bill in the name of Late Laxmibai.
- 5.4 Worth name to note that by order dtd. 10/06/2023, the BMC has cancelled the photopass in respect of the said premises. In the said order also, it has been observed that the complainant has simply obtained NOC from one of his brothers and one sister Indubai despite there are other legal heirs of Late Laxmibai. It is also observed that the complainant has misled the said authority by claiming himself to be the only legal heir apart from the legal heirs of whom he has obtained NOC and got succeeded in getting photopass of the said premises transferred in his name. For all these reasons, the competent authority has cancelled the said photopass issued in the name of the complainant.
- 5.5 Thus, it is crystal clear that the complainant has not come with clean hands either before this Forum or before the respondent no. 1 as well as before BMC and has suppressed material facts of existence of other legal heirs of Late Ambaji and Late Laxmibai. Both the public authorities relying on the Affidavit of the complainant transferred the electricity bill as well as photopass of the said premises in the name of the complainant. However, since the true facts have been brought to their notice, they have reverted the name of the complainant. In such circumstances, we are of the opinion that the complainant is not entitled to any relief claimed in the instant grievance. Surprisingly, while reverting the name in the said electricity bill, the respondent no. 1 instead of reverting it into the name of original consumer, transferred it in the name of Late Laxmibai who was never the consumer of the respondent no. 1 BEST Undertaking. In this regard, the complainant submitted that the name of the deceased person cannot be inserted in the electricity bill. However, who is legally entitled to the said premises is the issue to be decided by the competent civil court, till then the status-quo is required to be maintained i.e. electricity bill to be revered in the name of the original consumer i.e. Late Ambaji. For the foregoing reasons the point no. (1) is answered as partially in affirmative and pass the following order as answer to point no. (2).

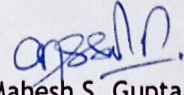


ORDER

1. The Grievance No. GN-496-2024 dtd. 06/05/2024 is dismissed.
2. The respondent no. 1 is directed to revert the electricity bill of the said electric meter in the name of the original consumer i.e. Late Ambaji Bhoir.
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