

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. 22853561

Representation No. N-G(N)-113-2011 dt . 24-01-2011

Shri. Ashok Kumar & Kavita JaisinghaniComplainant

V/S

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

Mrs. Papal R. BarayRespondent No.2

Present

Quorum: 1. Shri R U Ingule, Chairman
2. Shri S P Goswami, Member
3. Smt Varsha V Raut, Member

On behalf of the Complainant: 1. Shri Ashok Kumar Jaisinghani
2. Smt Kavita Jaisinghani

On behalf of the Respondent No.1:
(BEST Undertaking) 1. Shri P.S. Deshpande, A.O.C.C. 'G/N'
2. Shri V.R. Parate, Supdt. CC 'G/N'

On behalf of the Respondent No.2:
(Mrs.Papal R.Baray) 1. Mrs. Papal R. Baray
2. Mrs.Maya A.Vatnani
3. Mrs.Marium Iqbal Mistry

Date of Order: 28-03-2011

Judgment by Shri. R.U. Ingule, Chairman

Shri. Ashok Kumar & Kavita Jaisinghani, "CASA Luna" Bldg, 45, L.J. Road, 1st X Lane, Flat no.1, Grd flr, Mahim (W), Mumbai - 400 016 has come before Forum for grievances regarding change of name pertaining to A/c no. 639-518-017*6 (Commercial), Meter No. G013590 of Smt. P.R. Baray.

Complainant has submitted in brief as under :

- 1.0 The complainant has approached to IGR Cell of the Respondent on 15.11.2010 regarding change of name pertaining to A/c no. 639-518-017*6 (Commercial), Meter No. G013590 of Smt. P.R. Baray.
- 2.0 Not satisfied with the reply vide letter dtd. 21.12.2010 of respondent's IGR Cell, complainant approached to CGR Forum in schedule 'A' format on 20.01.2011.
- 3.0 The complainant has mentioned in schedule 'A' to revert the name to the original account holder of the installation, Smt. S.N. Jaisinghani.
- 4.0 He has requested the Forum to re-examine the case & to give just decision to the case in the name of justice and to revert the name to the original consumer Smt. S.N. Jaisinghani for A/c no. 639-518-017*6 (Commercial), Meter No. G013590 of Smt. P.R. Baray.

**Respondent(BEST Undertaking) in its written statement
in brief submitted as under :**

- 5.0 Saraswati N. Jaisinghani was running a business titled Kumar Stores & Investment Consultancy Services with commercial electrical connection having A/C No. 639-518-017 in the front position of Flat no. 1, CASA LUNA Building.
- 6.0 The electrical installation was transferred in the name of Papal R. Baray on 28-10-1996. However the documents submitted at the time of transfer are not available with BEST Undertaking. Hence it is not possible to verify the allegations made by Ashok Kumar Jaisinghani.
- 7.0 Shri Ashok kumar Jaisinghani had objected for the above transfer of name vide his application under RTI Act 2005 dt. 30-03-2009.
- 8.0 We have decided to maintain status quo after consulting our Legal advisors on following grounds.
 - 8.1 Though the change of name was effected on 28-10-1996 Smt. Saraswati Jaisinghani the previous consumer had never objected till her death on 19-02-2008. Shri. Ashok kumar Jaisinghani had also not raised any objection till 30-03-2009. Smt. Papal R. Baray is having the possession of commercial premises and is paying the electric bills regularly.
 - 8.2 There is shop and Establishment Licence with Smt. Papal R. Baray as employer since 1992 which is valid document for commercial connection.

- 9.0 The meter of A/C No. 639-518-017 was originally in the name of Saraswati Jaisinghani. The meter was transferred in the name of Smt. Papal R. Baray on 28-10-1996. However the documents submitted at the time of transfer are not available with BEST Undertaking.
- 10.0 After receipt of reply to the application under Right to information Act 2005 from the PIO of the Customer Care (G/N) Shri. Ashok Kumar Jaisinghani and Kavita Jaisinghani approached to Appellate Authority. As per the instruction of Appellate Authority Smt. Papal R. Baray was informed vide our letter dated 26-5-2009 to submit occupancy certificate of the premises and she has submitted following documents.
- a) Declaration from Notary b) Ration Card c) Pan card d) Election Card e) Shop and Establishment Licence f) copy of suit 332 to 1995 with small cause court.
- 11.0 After receipt of dispute letter dt. 28-10-2009 from Shri. Ashok Kumar Jaisinghani. We had informed Shri. Ashok K Jaisinghani vide our letter dt 14-01-2010 asked him to submit order of the competent court showing he was the law-full occupant of the premises.
- 12.0 The consumer registered his grievances under Annexure 'C' vide his application dt. 15-11-10 vide our reply dt. 21-12-2010. Shri. Ashok Kumar Jaisinghani was informed that the Undertaking has decided to maintain status quo in the matter i.e the meter will remain in the name of Papal R. Baray.
- 13.0 The dispute regarding title of the said commercial premises has to be settled by appropriate Legal Authority whose decision will be abided by BEST Undertaking.

**Respondent No.2 (Mrs. Papal R. Baray) in her written statement
in brief submitted as under :**

- 14.0 Respondent No.2 Mrs. Papal R. Baray submitted her written statement on 28-2-2011 & prayed before the Forum to consider her grievance of the matter and to reexamine the submitted documents of Mr. Ashok Kumar & Kavita Jaisinghani and requested to be heard as being necessary party. She further prayed to retain status-quo obtained on 19-1-2010 for A/c no 639-518-017*6 of shop in the name of Mrs. Papal R. Baray.

REASONS:

- 15.0 We have heard the complainant in person and representatives Shri P.S. Deshpande, A.O.C.C. 'G/N', Shri V.R. Parate, Supdt. CC 'G/N' for the respondent no. 1, BEST Undertaking and Mrs. Papal R. Baray for respondent no. 2. Perused papers.

- 16.0 At the outset, we observe no merit in the complaint under consideration. We find the instant complaint being filed by the complainant claiming much impunity.
- 17.0 Admittedly, the electric meter with account no. 639-518-017 was standing in the name of mother of the complainant Smt. Saraswati N. Jaisinghani. The said electric meter was installed in the shop, wherein, a business pertaining to STD and PCO was carried out by the mother of the complainant. On 19/2/2008, the mother of the complainant Smt. Saraswati N. Jaisinghani expired. The complainant contents that thereafter, the electric bill for the said account no. happened to come his hands and he was surprised to notice the change of name in the said electric bill in favour of his sister Smt. Papal R. Baray i.e. respondent no. 2. As per the contention of the complainant, thereafter, he approached the respondent no. 1 BEST Undertaking to know the details, as to how, such change of name has been effected in the said account no. 639-518-017. Thereafter, the complainant has proceeded to file the instant complaint with the prayer to restore name of his mother in the aforesaid account number.
- 18.0 We observe that, admittedly mother of the complainant has been expired on 28/10/2009. The copy of the electric bill for the month of December 2007 placed on file before us by the complainant himself, manifest the same being standing in the name of Smt. Papal R. Baray. At this juncture, we may advert to electrical installation paper of the account number 639-518-017 placed before us by the respondent number 1, BEST Undertaking at Exhibit-1/C. The same manifest that, the name of the respondent no. 2, Smt. Papal Baray has been brought in the said account in place of her mother, on 28/10/1996. We thus, find that, it is much prior to the death of mother of the complainant viz. Smt. Jaisinghani, the said electric meter in the shop premises, has been transferred in the name of respondent no. 2 i.e. Smt. Papal R. Baray. Obviously therefore, we find that it is with the consent of the deceased mother of the complainant, the said change in name came to be effect by the respondent no. 1, BEST Undertaking.
- 19.0 We further observe that, the certificate issued by the inspector under the Bombay Shops and Establishment Act, 1948, placed on file by the respondent no. 1, BEST Undertaking at Exhibit-7/C, further makes it amply clear that, from the year 1992, the respondent no. 2, Smt. Papal R. Baray has been running a business of "travel and tours agent, STD / ISD and Public Telephone service", in the shop premises under consideration. We thus find on this ground also the electric meter of the account no. 639-518-017 has been brought in the name of respondent no. 2, Smt. Papal R. Baray with the consent of her mother. Besides it, there was ample evidence placed before the respondent no. 1, BEST Undertaking, showing the said shop premises being 'occupied' by the respondent no. 2, Smt. Papal R. Baray.
- 20.0 Before we part with this order, we may advert to the concern Regulation No. 10 provided under the MERC (Electricity Supply Code and

Other Conditions of Supply) Regulation, 2005. We may advert to the concern portion of the regulation no. 10.3 and it runs as under:

The application under Regulation 10.2 shall be accompanied by:

- (i) *consent letter of the transferor for transfer of connection in the name of transferee;*
- (ii) *in the absence of a consent letter, any one of the following documents in respect of the premises: (a) proof of ownership of premises; (b) in case of partition, the partition deed; (c) registered deed; or (d) succession certificate;*
- (iii) *xxx xxx xxx*
- (iv) *xxx xxx xxx*

21. A bear perusal Regulation 10.3(ii) blatantly manifest that, it is only in the absence of a consent letter the transferee is required to produce the documents listed in the said regulation to allow her application for the effecting change of name. Needless to mention at the juncture that, in the shop premises under consideration the mother of the complainant Smt. Saraswati N. Jaisinghani was running a business alongwith respondent no. 2. Besides it, the documentary evidence at Exhibit-1/C placed on file by respondent no. 1, BEST Undertaking manifest the change of name was effected on 28/10/1996, obviously with the consent of deceased mother Smt. Saraswati N. Jaisinghani.
22. In the aforesaid observations and discussion, we therefore find no merit in the allegations made by the complainant. His complainant therefore is liable to be dismissed alongwith the prayers made therein. Accordingly, we do so.

ORDER

1. The complainant no. N-G(N)-113-2011 dtd. 24/1/2011 stand dismissed.
2. Copies be given to both the parties.

(Smt Varsha V Raut)
Member

(Shri S P Goswami)
Member

(Shri R U Ingule)
Chairman