

		Date	Month	Year
1	Date of Receipt	20	11	2023
2	Date of Registration	22	11	2023
3	Decided on	15	01	2024
4	Duration of proceeding	54 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-490-2023 dtd. 22/11/2023

Shri Anilkumar J. RaiComplainant

V/S

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

Shri Shailesh J. Rai Respondent No. 2

Present

Chairman

Coram : VACANT

Member

1. Smt. Anagha A. Acharekar, Independent Member
(Acting Chairman)
2. Smt. Manisha K. Daware, Technical Member



On behalf of the Respondent (1) : 1. Shri D.S. Thamke

On behalf of the Respondent (2) : 1. Shri Shailesh J. Rai

On behalf of the Complainant : 1. Shri Sharad A. Rai

Date of Hearing : 29/12/2023

Date of Order : 15/01/2024

Judgment

- 1.0 The complainant has grievance that the Respondent BEST Undertaking has done change of name from his name to his father's name Late Shri Jagdish Rai for the consumer no. 615-369-007 at Room no. 12, Ground floor, Jawle Building, Dr. R.N. Bhaindarkar Marg, Kabutarkhana, Dadar (W), Mumbai - 400 028.
- 2.0 The case of the complainant may be stated as under :
- a) The complainant was residing with his father Late Shri Jagdish Rai in the premises in question which is now owned by MHADA since 1985. Shri Jagdish Rai died on 05/05/1994 leaving behind three sons namely Shri Anilkumar Rai, Shri Shailesh Rai and Shri Umeshchandra Rai. He further mentioned that at the time of his father's death his two brothers namely Shri Shailesh Rai and Shri Umeshchandra Rai were not residing with their father in the said room.
- b) The complainant has submitted that the Respondent no. 2, Shri Shailesh Rai lodged false complaint and produced bogus rent receipt in the name of his three brothers dtd. 01/09/2003 which is anti dated. The said rent receipt is signed by Shri Ajit K. Joshi who was not landlord and owner of the building as the MHADA has taken over this property since 1985.
- c) The complainant further mentioned that he is exclusively residing in the said room with his family members. Hence, the act of the Respondent No. 1 BEST Undertaking of change of name on the basis of the documents submitted by the Respondent No. 2 is absolutely erroneous and not based on the law and facts involved in the matter. The Respondent No. 1 instead of reverting electricity bill in the name of dead person, it should have directed the parties to get their respective rights and the documents decided in the Civil Court by keeping the electric bill in his name.
- 3.0 The Respondent No. 1 / BEST Undertaking has appeared and filed their reply before this Forum in response to the aforesaid complaint / grievance application filed by the complainant. The Respondent has strongly opposed the aforesaid grievance of the complainant. The case of the Respondent may be stated as under :
- a) Shri Jagdish Badri Rai was residing at tenanted premises having address as Ground Floor, Plot No. 12, Jawale Building, Kabutarkhana, Dr. R. N. Bhaindarkar Marg, Dadar (west), Mumbai - 400 028 & Consumer No. 615-369-007. However, the electric bill of this premise was in the name of J. B. Rai. Jagdish Badri Rai expired on 05.05.1994 and

his wife Fulmatidevi expired on 17.06.2012, after death of Jagdish Badri Rai landlord gave rent receipt in his three sons' name viz. Umeshchand Rai, Anilkumar Rai & Shailesh Rai instead of his wife Fulmatidevi Rai from September 2003. However, Shri Anilkumar Jagdish Rai made change of name on Electricity Bill in his name in the year 2011. At that time he submitted only mother's NOC and as per the joint agreement dtd. 11.08.1995 remaining two brothers NOCs, not given.

b) On 07.06.2023 an objection letter for change of name was submitted by Shri. Shailesh Rai against Consumer No. 615-369-007 for the premises in question. Shri. Shailesh Rai has submitted the following documents along with the application.

- i) Death Certificate of Jagdish Badri Rai dtd 05.05.1994.
- ii) Death Certificate of Fulmatidevi Jagdish Rai dtd 17.06.2012
- iii) Aadhar Card of Shailesh Jagdish Rai.
- iv) Rent Receipt No.NNJ/201/2003 dtd.01.09.2003 in the name of Shri.Umeshchand Rai, Anilkumar Rai & Shailesh Rai.
- v) Ration Card No.0362563.
- vi) Old Electricity Bill for the month of July 2007 in the name of J.B.Rai
- vii) Electricity Bill for the month of January 2011 in the name of Anilkumar Jagdish Rai.

Shri. Shailesh Jagdish Rai has submitted the 2nd letter on 14.07.2023 along with Rent Receipt No.2022/106 dtd.05-01-2022, Joint Affidavit dtd. 11.08.1995 and Ration Card of the said room.

c) Shri. Anilkumar J. Rai has submitted the following documents along with the application dated 11.08.2023.

- i) Small Causes Court Cash Book No.2620, Serial No.261984, Suit No.1420/2018 for 6 month Rent. Old Rent Receipt and New Sr.No.2043 dtd, 06.08.2003 in the name of Shri. Jagdish Badri Rai.
- ii) Copy of Exhibit No.18 of 2020 in R.A.D.Suit No.1420 of 2018.
- iii) Copy of Election Identity Card, Motor Driving Licence, Aadhar Card, Pan Card.
- iv) Ration Card No.SA-1248803.
- v) Copy of MCGM letter dtd.29.05.2023.
- vi) Death Certificate of Jagdish Badri Rai dtd 05.05.1994.

d) The hearing was held on 11/10/2023 wherein Shri Shailesh Jagdish Rai, Shri Anilkumar Jagdish Rai, Shri Ajit Joshi Landlord were present. At the time of hearing, Shri Shailesh



Jagdish Rai submitted the statement stating that Anilkumar Jagdish Rai has given the false, bogus/illegal unlawful documents. Shri Shailesh Jagdish Rai further stated that after death of his father, said room stands in the name of three brothers i.e. 1. Shri.Umeshchand Rai, 2. Anilkumar Rai and 3. Shailesh Rai jointly. He further requested to revert the said meter in the name of original consumer name Jagdish Badri Rai.

- e) The Landlord Shri Ajit Joshi in his statement has also stated Shri Anilkumar J. Rai transferred the meter without taking his consent. Also the rent receipt are in the name of three brothers.
 - f) Shri Anilkumar Jagdish Rai failed to prove his full tenancy and to submit the latest Receipt or any other related documents in his own name except ration card and the suit No.1420/2018 of the said premises.
 - g) The Respondent No. 2 stated that considering the Joint Affidavit dtd.11.08.1995 and MCGM Office order of Asstt. Commissioner G/North Ward dtd.10.04.2013, it has maintained the status quo till submission of judgment/order of Competent Authority and reverted in the previous name of consumer i.e. **Jagdish Badri Rai**.
- 4.0 The Respondent No. 2 has filed his reply and has submitted that the instant grievance application has no merits and it is liable to be dismissed. The case as pleaded by the Respondent No. 2 in the course of hearing may be summarized as under.
- a) As per the Respondent No. 2, the premises in question is tenanted premises and his father was original tenant of the said room also the electricity connection was standing in his father's name. He further stated that the complainant Shri Anilkumar Rai got the electricity meter transferred in his name without NOC from other legal heirs of the original tenant by suppressing material facts and produced forged and fabricated documents to the Respondent No. 1.
 - b) The Respondent No. 2 has vehemently submitted that the allegations made by the complainant in his submissions are totally false. He also mentioned that he used to take care of his father and at the time of his death he was residing in the said room along with his family members and not the complainant.
 - c) The Respondent No. 2 has submitted that after death of his father his mother Smt. Fulmati Rai alongwith his two brothers namely Shri Anilkumar and Shri Umeshchand Rai executed joint Affidavit for the purpose to request landlord to transfer and issue

rent receipt in joint name of deceased tenant's sons for which their mother had given NOC. Accordingly, as per the Affidavit, in the year 2003 the landlord transferred the rent receipt in the names of three brothers.

- d) Shri Shailesh Rai, the Respondent No. 2 alleged that in the year 2007, the complainant had prepared false and forged documents and also made forged signatures of his brother Shri Umeshchand Rai, mother Smt. Fulmati Rai and Respondent No. 2 on documents and got transferred electric meter from his father's name without his consent and knowledge.
- e) He further alleged that the complainant has filed false and illegal suit in Small Cause Court at Mumbai bearing RAD suit no. 1420 against the landlord, himself and his brother claiming the said premises of his father as his own property on the strength of transferring electric meter and forged documents.

5.0 We have heard the submissions of parties and noted their submissions as above. In view of the above submissions of the parties and case pleaded by them, the following points arise for determination, on which we record our findings as under, for the reasons to follow.

Sr. No.	Points for determination	Findings
1	Whether the decision of the Respondent No. 1 about the change of consumer name from the complainant to the original consumer is legal and valid?	In affirmative.
2	Whether the complainant is entitled to get its name restored as consumer in respect of the aforesaid electric connection and consumer account?	In negative.
3	To what relief, if any, the complainant is entitled from this forum and what order is required to be passed to dispose of this grievance application?	The complaint will have to be dismissed.

6.0 We record reasons for aforesaid findings as under :

- a) We have noted the contentions of the parties as mentioned by them in their pleadings as well as in their oral submissions. We have also perused the documents submitted by the parties on record in the course of hearing.

[Handwritten signature]
[Handwritten signature]

- b) We have noted the admitted facts herein earlier. In view thereof, it can be said that there is an electric connection given by the Respondent No. 1 to the said premises. The said connection under consumer a/c no.615-369-007 was in the name of Late Shri Jagdish Rai in respect of the premises described in the electric bill as "Plot no. 12, Ground floor, Jawle Building, Dr. R.N. Bhaindarkar Marg, Kabutarkhana, Dadar (W), Mumbai - 400 028." After the death of Shri Jagdish Rai, the complainant, Shri Anilkumar Rai got transferred his father's name on electricity bill to his name in the year 2011 by submitting only his mother's NOC instead of his brothers also.
- c) When the Respondent No. 2, Shri Shailesh Rai got to know about this change of name he approached the Respondent No. 1 in the year 2023 for reverting back the said change of name by submitting the rent receipt on the name of three brothers and joint affidavit wherein it is mentioned that the widow of Late Shri Jagdish Rai has no objection to transfer the rent receipts in the joint name of her three sons i.e. Shri Anilkumar, Shri Shailesh and Shri Umeshchand.
- d) In view of above, the Respondent No. 1 had hearing with both the parties to decide the change of name wherein the complainant could not prove his full tenancy for the premises in question. Hence, the Respondent No. 1 has reverted back the name of Shri Anilkumar Rai to Shri Jagdish Rai as per the request of the Respondent No. 2.
- e) It is observed by the Forum that there are discrepancies in the rent receipts submitted by the complainant as well the Respondent No. 2 hence the authenticity of the rent receipts cannot be ascertained. Also there is no document such as 'Will' etc. of Late Shri Jagdish Rai or his mother Late Smt. Fulmati Rai to prove only Shri Anilkumar Rai's ownership.
- f) During the hearing it is further noticed that the list of tenants issued by MHADA shown by the complainant, the name of the complainant or his father does not exist. On enquiry upon, the complainant clarified that during the survey by MHADA, the premises was temporarily demolished. Further in the rent receipts submitted by the Respondent No. 2 the premises is mentioned as "Patra Shed /CI Shed". Hence the question arises whether the premises is legal or not.
- g) On the basis of the legality of the premises, authenticity of various rent receipts issued by different persons, non-existence of any document proving his only ownership the Forum is of the opinion that reversion of name done by the Respondent No.1 is valid.

- h) Accordingly, we have answered point (1), (2) & (3) and hence, we proceed to pass the following order :

ORDER

- 1.0 The grievance no. GN-490-2023 dtd. 22/11/2023 is dismissed.
- 2.0 Copies of this order be given to all the concerned parties.



(Smt. Manisha K. Daware)
Technical Member



(Smt. Anagha A. Acharekar)
Independent Member
(Acting Chairman)

(Vacant)
Chairman