

|   |                        | Date    | Month | Year |
|---|------------------------|---------|-------|------|
| 1 | Date of Receipt        | 01      | 12    | 2025 |
| 2 | Date of Registration   | 01      | 12    | 2025 |
| 3 | Decided on             | 28      | 01    | 2026 |
| 4 | Duration of proceeding | 58 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.FN-530-2025 dtd. 01/12/2025**

Mrs. Bisharavati Devi Ramyash Vishwakarma ..... Complainant

V/S

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

Mr. Shivashare Banwarilal Vishwakarma ..... Respondent No. 2

Present Coram : Hon'ble Chairman (CGRF) : Mr. M.S. Gupta  
Hon'ble Independent Member : Mrs. A.A. Acharekar  
Hon'ble Technical Member : Mr. J.W. Chavan

On behalf of the Complainant : Mr. Ramyash Banwarilal Vishwakarma

On behalf of the Respondent No.1 : BES&T Undertaking  
Mr. D.S. Dorage, AAMCCFN

On behalf of the Respondent No. 2 : Mr. Akshay Shivashare Vishwakarma

Date of Hearing : 19/01/2026

Date of Order : 28/01/2026



### Judgement

- 1.0 The grievance is regarding Change of Name carried out by the Respondent No.1 in the name of Father-in-Law of the Complainant, Mr. Banwarilal Lohar who was the original Consumer. The dispute is regarding electricity Meter No. B156030 installed at A-33, Floor- Grd, Kokari Agar, Shaikh Mistry Marg, Sion Koliwada, Antop Hill, Mumbai - 400037 (for short "the said premises").
- 2.0 The Complainant in her submission has stated that her father-in-law Late Banwarilal Lohar owned the said premises and the old electricity A/c No. 789-319-461 stood in his name. She has provided copy of an electricity bill for December 2021 (which shows Late Banwarilal Lohar as the Consumer with A/c No. 789-319-461). She has further stated that Respondent No. 2 added his family to the Ration Card without consent of her Father-in-Law and was later removed from the Ration Card in 2019-20 and shifted to Panvel. She has attached a copy of Ration Card as tenancy proof. She has claimed that Late Banwarilal Lohar has executed transfer instruments in her favour vide Notarized Affidavit dated 22.05.2022, General Power of Attorney dated 22.05.2022, Consent Letter/NOC of transferer dated 02.06.2022 and Gift Deed dated 09.01.2023, transferring the said premises to the Complainant. She has further stated that meter No. B156030 with new A/c No. 789-319-151 was transferred to her in July 2022 during the lifetime of Late Banwarilal Lohar and she has regularly paid the electricity bills. She further narrates that the said premises was in dilapidated condition and she has carried renovation through a Contractor Mr. Venkatesh incurring an expenditure of Rs.4,50,000/-. After renovation of the said premises Respondent No. 2 forcefully entered the said premises and began intermittently residing in the said premises while also staying in a nearby rented room.
- 2.1 She further stated that after the death of her Father-in-law on 28.05.2023 at native place, she has sent a pre-emptive objection through an Advocate on 31.07.2023 to any re-transfer of electric meter and not to change the name on the electric meter. Despite the objection, Respondent No. 1 restored Consumer name to Late Banwarilal Lohar on 28.03.2024 without notice to the Complainant. A formal complaint was lodged on 20.02.2025 to restore name of the Complainant, but no action was taken. She has also sent an RTI to the Respondent No. 1 on 07.07.2025. She has submitted that Respondent No. 1 has wrongly insisted on NOC from Respondent No. 2 though he has no right in a self-acquired property and Respondent No. 1 lacked authority to reverse the name on the electricity bill without Court Order as the Gift Deed confirms her title. The Complainant has sought relief from the Order of the Respondent No. 1 dated 28.03.2024 and restore the name on the A/c No. 789-319-151 to the Complainant.
- 3.0 Respondent No. 2 has submitted that the Appellant has filed suit No. 2505 of 2023 and Notice of Motion No. 4380 of 2023 before Hon'ble City Civil Court, Mumbai on 11.08.2023 and the said matter is pending till date. He claims that he is an occupant of the said premises residing with his wife and children. He has submitted copy of Ration Card No. 655430. He claims that his father, Late Banwarilal Lohar, expired on 28.05.2023 without executing any Will or testament regarding properties at Mumbai, Kalwa, Nalasopara, Titwala and agricultural land in Uttarpradesh. He made allegations that husband of the Complainant (elder brother of Respondent No. 2) occupies and collects rent from some of these properties. The Complainant and her husband has allegedly created forged documents viz. General Power of Attorney, Affidavit, Consent Letter and Gift Deed, which were not registered and lack mental fitness certificate of his father. He further alleges that criminal complaint has been lodged at Antop Hill Police





Station against the Complainant, her husband and their Advocates Ramji B. Gupta under IPC Section 406, 420, 465, 467, 468, 471, 506. He also claimed that the Complainant has allegedly withdrew Rs. 4-5 lacs from his father's bank accounts and attempted to access Rs. 57 lacs in Fixed Deposits.

- 3.1 Respondent No. 2 asserts that he is the original owner/legal heir of the said premises and seeks declaration of Ownership. He has prayed for dismissal of Complainant's application with heavy costs and compensation for mental harassment.
- 4.0 Respondent No. 1 has submitted that original electricity bill for A/c No. 789-319-461 was in the name of Mr. Banwarilal Lohar since 11.01.1996. The Complainant Mrs. Bisharavati Devi Ramyash Vishwakarma applied for Change of Name and submitted an Undertaking, Authority letter, Photo Pass, Notarized General Power of Attorney, Notarized Affidavit, Consent Letter/NOC from transferer, Aadhar & PAN copies. Gift Deed dated 09.01.2023 was not submitted because Name change was already affected on 17.06.2022, by allotting new A/c No. 789-319-151.
- 4.1 Respondent No. 2 raised dispute through an Advocate vide letter dated 31.07.2023 submitting Death Certificate of Banwarilal Lohar, Ration Card, Old & New Electricity Bills, Aadhar, Affidavit, Relation Certificate and Court Papers (Suit No. 2505/2023).
- 4.2 The Respondent No. 1 claims that summons were issued for hearing on 31.01.2024, but the Complainant remained absent despite reminders (emails on 19.01.2024, 14.02.2024 & letter dated 20.02.2024). Since it was observed that the Complainant did not obtain NOC from legal heirs, the Clause in the Undertaking submitted by the Complainant allowed the Respondent No. 1 to revert the name in case of dispute. Accordingly, the decision was taken by the Respondent No. 1 to revert the Change of name to previous registered Consumer Late Banwarilal Lohar after verifying genuineness of the documents from the disputant. Site Inspection Report dated 10.12.2025 confirmed physical occupancy of both Respondent No. 2 on ground floor and Complainant on the 1<sup>st</sup> floor.
- 5.0 The Complainant in its Rejoinder claimed that the Respondent No.1 never served notice by post or called her for hearing contradicting their earlier claim of multiple attempts and alleges ex-parte decision was illegal.
- 5.1 The Complainant confirms suit No. 2505/2023 with Notice of Motion No. 4380/2023 pending in Hon'ble City Civil Court against Respondent No.2.
- 5.2 The Complainant brings attention to the timeline of the electricity bill transfer to her name occurred around August 2022 during her father-in-law's lifetime and Respondent No. 2 raised objection only 10 months later, post his demise on 28.05.2023. She also denies allegations of her father-in-law's memory loss and asserts he was physically fit, travelled during Covid and executed documents personally.
- 5.3 The Complainant argues that the Respondent No.1 has no authority to decide genuineness of legal documents and such disputes belongs to Hon'ble Civil Court. She emphasizes that all documents were officially notarized and registered, countering forgery allegations.
- 6.0 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 is valid ? | Affirmative         |
| 2       | What order ?  | As per final order. |

### Reasons

- 7.0 We have heard the rival arguments advanced by both parties and their representatives and have carefully perused the documents submitted in this matter. The core dispute revolves around the ownership of room at A-33, Floor-Grd, Kokari Agar, Shaikh Mistry Marg, Sion Koliwada, Antop Hill, Mumbai - 400037 and subsequent transfer of electricity meter carried out by the Respondent No.1 in the name of Father-in-law of the Complainant, who was the original Consumer Mr. Banwarilal Lohar without consent of the Complainant. The original electricity bill for A/c No. 789-319-461 was in the name of Mr. Banwarilal Lohar since 11.01.1996. The Complainant's Father-in-law, Mr. Banwarilal Lohar expired on 28.05.2023. A table showing relationships of the legal heirs of Mr. Banwarilal Lohar is given below :

| Sr. No. | Name   | Relation  |
|---------|--|---|
| 1.      | Late Mr. Banwarilal Lohar/<br>Vishwakarma    | Father-in-Law of Complainant (Original Consumer)    |
| 2.      | Mrs. Bisharavati Devi<br>Ramyash Vishwakarma | Complainant   |
| 3.      | Mr. Ramyash Lohar/<br>Vishwakarma            | Husband of Complainant                              |
| 4.      | Mr. Shivashare Mahadev<br>Lohar/ Vishwakarma | Brother-in-Law of Complainant<br>(Respondent No. 2) |
| 5.      | Mr. Shivprakash Banwarilal<br>Vishwakarma    | Brother-in-Law of Complainant                       |
| 6.      | Sunita Devi                                  | Sister-in-Law of Complainant                        |
| 7.      | Sushila Devi                                 | Sister-in-Law of Complainant                        |
| 8.      | Sarita Devi                                  | Sister-in-Law of Complainant                        |
| 9.      | Lalita Devi                                  | Sister-in-Law of Complainant                        |

- 7.1 The record indicates that the Complainant Mrs. Bisharavati Devi Ramyash Vishwakarma applied for Change of Name with various documents viz. Notarized Affidavit, General Power of Attorney, Consent Letter/NOC from the transferor. The Gift Deed dated 09.01.2023 was not submitted at that stage. The following table reflects sequential changes of name in the electricity account:





| Sr. No. | Change of name                       |             |                                      |             | Date of change of name |
|---------|--------------------------------------|-------------|--------------------------------------|-------------|------------------------|
|         | From                                 | Old A/c No. | to                                   | New A/c No. |                        |
| 1       | Mr. Banwarilal Lohar                 | 789-319-461 | Bisharavati Devi Ramyash Vishwakarma | 764-319-151 | 17-06-2022             |
| 2       | Bisharavati Devi Ramyash Vishwakarma | 764-319-151 | Mr. Banwarilal Lohar                 | 764-319-151 | 28-3-2024              |

Following the demise of Mr. Banwarilal Lohar, the Respondent No. 2 raised an objection to the Change of Name carried out in favour of the Complainant vide letter dated 07.12.2023. The Respondent No.1 asserts that the summons were issued for hearing scheduled on 31.01.2024. However, no documentary proof of service of notice upon the Complainant has been produced during the hearing. The Complainant denies having received any communication and alleges that the meter was re-transferred without her knowledge.

- 7.2 The Inspection Report dated 10.12.2025 submitted by the Respondent No. 1 records that Respondent No. 2 and the Complainant both were found in occupation of portions of the premises. During the hearing, it was confirmed that the Respondent No. 2 is residing in the said premises at the Ground Floor and the Complainant has let out the loft portion. The Electric Meter No. B156030 in question is installed at the Ground Floor of the said premises supplying electricity to the Ground Floor as well as loft floor and the electricity bill is shared between the parties.
- 7.3 The Respondent No. 1 has relied upon an Undertaking/Indemnity executed by the Complainant & Internal Work Procedural Order No. 236 to justify reversion of the Consumer name upon emergence of the dispute among legal heirs. Neither side has produced a registered Title Deed or Court Order conclusively determining ownership rights. The Respondent No. 2 repeatedly emphasized that his father never executed any legal documents in favour of appellant and all alleged documents are fabricated. He relies on inheritance rights and challenges validity of documents under Registration Act & Stamp Act, alleging criminal conspiracy and financial fraud by Appellant and her husband. However, no expert or forensic evidence has been produced to substantiate these claims. The Complainant has not obtained NOC from legal heirs. The decision of the Respondent No. 1 was based on legal heirship and authenticity of documents provided by the disputant. Lack of participation by the Complainant inspite of email & telephonic communication (though acknowledgement is not available) and incomplete compliance with procedural requirements led to reversal of Name change by the Respondent No. 1. It is well settled that the Electricity Distribution Licensee cannot adjudicate upon questions of Title or genuineness of Civil documents. Such disputes mostly resolved before competent Civil Court. While the Respondent No. 1 claims to have attempted communication with the Complainant through email & telephone, absence of proof of proper service is a procedural shortcoming.





7.4 The Respondent No. 2 has produced documents pertaining to Civil Suit No. 2505 of 2023 and Notice of Motion 4380 of 2023, instituted by the Complainant before Hon'ble City Civil Court, Mumbai on 11.08.2023. The subject matter of the said Suit includes issues of Title & ownership relating to the same premises. The Complainant did not disclose the pendency of the Civil Suit at the time of filing the present grievance, which constitutes a material omission affecting maintainability under Clause 7.9(a) of the Maharashtra Electricity Regulation Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2020. However, after the submission of the Respondent No. 2, the Complainant accepted the fact in the rejoinder and during the hearing that the matter is prejudice related to the properties including the said premises and the subjected matter. But, the detail submission of the Civil Suit has not been made by the Complainant. The Respondent No.2 has alleged that the documents submitted by the Complainant for Change of Name to the Respondent No.1 are fraudulent. However, no forensic reports are submitted by the Respondent No.2. Under Regulation 7.9 of MERC CGRF Regulations, 2020, the Forum is barred from adjudicating matters that are sub-judice before any Court of Law, particularly where determination of civil rights or ownership is involved. Hence, the Forum cannot enter into questions of title, validity of testamentary/non-testamentary documents or alleged forgery.

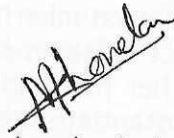
8.0 In light of the foregoing discussion and considering the clear statutory bar under Regulation 7.9 of the MERC CGRF Regulations, 2020, point No. (1) is answered Affirmative and we pass following order as answer to point No.2.

#### ORDER

- 1.0 The Grievance No. FN-530-2025 dtd. 01/12/2025 is dismissed.
- 2.0 The present grievance is rejected as not maintainable due to the pending decision of the competent Civil Court on the same subject matter.
- 3.0 To prevent hardship and maintain fairness, since the occupancy of both the parties is not affected, the status-quo in electricity supply shall continue until the parties obtain a determination from the appropriate authority.
- 4.0 Copies of this Order be given to all the concerned parties.



(Mr. Jitendra W. Chavan)  
Technical Member



(Mrs. Anagha A. Acharekar)  
Independent Member



(Mr. Mahesh S. Gupta)  
Chairman

