

		Date	Month	Year
1	Date of Receipt	20	03	2025
2	Date of Registration	24	03	2025
3	Decided on	14	05	2025
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. GN-514-2025 dtd. 24/03/2025

Mrs. Jyostna Sunil Khandekar

.....Complainant

V/S

B.E.S.&T. Undertaking

.....Respondent no. 1

Mr. Ramesh H. Pawar

.....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. Sunil Khandekar

On behalf of the Respondent no. 1

: BES&T Undertaking

1. Mr. Pravin Prabhu, SCCGN

2. Mr. Ratnakar Kamble, SCCGN

3. Mrs. Kavita Popere, AOCCGN

On behalf of the Respondent no. 2

: Mr. Nandkumar B. Chougule

Date of Hearing

: 30/04/2025

Date of Order

: 14/05/2025



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JUDGEMENT

- 1.0 The Complainant Mrs. Jyostna Sunil Khandekar's case in brief is that the premises Plot no. 198, Corner Chamber, 2nd floor, Room no. 31, Gopi Tank Road, Mahim, Mumbai - 400 016 (for short "The said premises") having a Consumer A/c no. 626-203-018 is occupied by her.
- 1.1 The Complainant was residing with her family at the said premises along with her maternal Uncle Late Parshuram Shah & maternal Aunt Late Sunanda P. Shah. Her Uncle Late Parshuram Shah expired in the year 2010 and her aunt Late Sunanda P. Shah expired on 23/01/2024. Currently the Complainant is occupying the said premises with her family. On 24/09/2021 the electricity bill was transferred in her name by the Respondent no. 1.
- 1.2 During the hearing held by Customer Care GN Ward on 18/12/2024 in accordance with the complaint raised by Mr. Ramesh Pawar, she has raised a point that the complaint has been lodged after three years period from change of name.
- 1.3 The Complainant has further informed that she has filed a RAD suit no. 456/2024 in Hon. Small Cause Court against the landlord. Currently the possession of the said premises is with the Complainant and rent upto March 2024 is paid to the landlord whereas the rent for the period from March'2024 to June'2025 is deposited in Hon. Small Cause Court with its permission. Presently, upon complaint made by Mr. Ramesh Pawar, the Respondent no. 1 has reverted electricity bill in the name of original Consumer i.e. Late Sunanda P. Shah.
- 1.4 The Complainant further stated that she has been staying with her family in the said premises since many years when her Uncle & Aunt were alive and she is still in the possession of the said premises. She mentioned that she had taken care of her Uncle & Aunt till they are alive. Her Aunt has made a 'WILL' in her favour on 21/07/2014 for the transfer of rights of the said property after her death. The Complainant has stated that her Aunt had submitted all relevant documents related to Change of name to the Respondent no. 1. The Complainant has mentioned that all last rituals of her Uncle & Aunt are done by her and the Respondent no. 2 has no relation with her Aunt. There is a mention in her Aunt's



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'WILL' dtd. 21/07/2014 that no 'WILL' prepared before 21/07/2014 should be considered and if found so, it should be treated as revoked. The Complainant has taken objection to the 'WILL' submitted by Mr. Ramesh Pawar in Hon. High Court. Lastly the Complainant has prayed that as it is mentioned on electricity bill that "This electricity bill is issued for electricity use and may not be treated as proof for other purpose" and since she is occupying the said premises, using the electricity and paying electricity bill regularly, the electricity bill to be transferred in her name.

- 2.0 The Respondent no. 1 contended that said Electric Meter was installed on 07-09-1956 in the name of Sunanda Parshuram Shah under A/c. No. 626-203-507 to the said premises. On receipt of Change of Name application dtd. 20/08/2021 from the Complainant, the said A/c. No. 626-203-507 was transferred in the name of the Complainant and a new Consumer A/c No. 626-203-018 was allotted, as per BEST's Procedure Order No. 236 dtd. 03.05.2017 under para 3.2.
- 2.1 On 26.11.2024, an objection letter was received from Respondent no. 2 informing that probate of last Will and Testament dated 24.07.2012 is pending in the High Court of Judicature at Bombay with on 29.02.2024 with TPL/7227/2024 U/s 276 of Indian Succession Act, 1925.
- 2.2 Thereupon, an order was issued on 10.02.2025 to revert the name of the Complainant (Consumer No. 626-203-018) to the original registered consumer i.e. Late Sunanda Parshuram Shah in the Electricity Bill and new Consumer No. given as 626-203-030.
- 2.3 During the site inspection carried out on 01-04-2025, it was observed that the Complainant was physically residing in the said premise.
- 2.4 Respondent No. 1 has stated that the Complainant has violated the terms mentioned in the signed Letter Of Undertaking submitted along with Change of Name Application and filed present grievances against BEST Undertaking, before the Hon. CGRF.
- 2.5 The Respondent No. 1 has further expressed that, as per BEST Undertaking's Terms & Condition of Supply & Schedule of Charges under Section 2.9, it is the responsibility of the applicant to submit correct & genuine documents & onus of



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its genuineness lies on applicant only. There is no prima facie loss, damage or inconvenience caused to the Applicant by BEST's order related to change of name as the Applicant's electric supply continues uninterrupted. The case is complex in nature and has a civil angle. In the above circumstances, the parties are at liberty to approach the concerned civil jurisdiction to decide their claims.

- 2.6 The Respondent No. 1 has prayed that since both the parties i.e. the Complainant & the Respondent no. 2 are disputing the rightful ownership of the subject premises, Hon. CGRF is requested to issue appropriate directives in the present matter.
- 3.0 The Respondent no. 2 has stated that after death of his parents in childhood, since he was one year old, he was staying with his Uncle Parshuram Shah & Aunt Sunanda Shah. His marriage was solemnized in 1997 which was arranged by his above Uncle & Aunt in the said premises. Since the said premises was small, after birth of his son he shifted to a separate house in New Mumbai. He further stated that after death of his Uncle in 2010, the Complainant staying nearby had started coming with her mother to Sunanda Shah's house. She then started threatening her to transfer the said premises in the name of the Complainant, which Late Sunanda Shah had denied. He has further informed that the above incident was narrated to our relative Asha Padmakar Shah who had lodged N.C. no. 738 dtd. 19/03/2011 at Mahim Police Station against the Complainant & Others for torturing Late Sunanda Parshuram Shah.
- 3.1 He has further informed that he used to pay Rs. 10,000/- to Late Sunanda Parshuram Shah for her expenses. As he had taken good care of her, she executed her last 'Will' & 'Testament' dtd. 24/07/2012 with him as beneficiary. Also, a copy of General Power of Attorney dtd. 10/11/2010 was issued in favour of him. Late Sunanda Shah was living in fear due to harassment, torture by the Complainant, hence she had executed an Affidavit dtd. 09/02/2015 for cancellation of names mentioned on all legitimate documents of the Complainant prepared under duress. While he was taking care of Late Sunanda Parshuram Shah, the Complainant, her husband and her mother Urmila Sawant were torturing her and also abusing and threatening him. N.C. no. 1572 dtd. 14/07/2013 has been lodged against Complainant's mother in Mahim Police Station.



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- 3.2 After the death of Late Sunanda Parshuram Shah on 23/01/2024, the Complainant approached different authorities for change of name of the said premises. Therefore, the Respondent no. 2 has issued legal notices through Advocate to the Landlord, Secretary of the society and General Manager BEST. He has further claimed that the Gift Deed dtd. 24/11/2020 with thumb impression of Late Sunanda Parshuram Shah is fabricated and no witness signature is on the Gift Deed. During the last stages Late Sunanda Parshuram Shah was admitted to KEM hospital and was unable to see and understand anything, which has resulted in the above said fabricated Gift Deed without medical certificate attached and not registered. The Respondent no. 2 also stated that the 'Will' submitted by the Complainant is invalid, the witness mentioned in the will are her family members.
- 3.3 The Respondent no. 2 has further mentioned that Late Sunanda Parshuram Shah had executed her last 'Will' and Testament dtd. 24/07/2012 in his name and he has filed Testamentary Petition for the Probate of last 'Will' and Testament dtd. 24/07/2012 in the High Court of Judicature at Bombay on 29/02/2024 with TPL/7227/2024 u/s 276 of Indian Succession Act, 1925. The Respondent no. 2 had also sent legal notices to the various authorities for not to transfer name of the Complainant in regards to the said premises.
- 3.4 The Respondent no. 2 has also lodged complaint in Mahim police station, DCP Zone-V and also filed criminal case in Bandra Court & Hon'ble High Court where Testamentary case is pending. He has prayed that after hearing held in Customer Care GN Ward, an order has been issued in his favour which may be uphold by the Forum.
- 4.0 From rival contentions of the parties following points arise for our determination with findings thereon for the reasons to follow :



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Sr. No.	Points for determination	Findings
1	Whether the reversion of the Complainant's name to the original consumer's name done by the Respondent no. 1 is valid ?	Negative
2	What order ?	As per final order.

REASONS

- 5.0 We have heard the parties in this matter alongwith their representatives and carefully gone through various documents submitted by them.
- 5.1 It is a fact that the Complainant is presently occupant of the said premises. The previous consumer Late Sunanda P. Shah, Aunt of the Complainant, expired on 23/01/2024. The Respondent no. 1 has transferred the electricity bill for the said premises having Consumer A/c no. 626-203-018 in the name of the Complainant on 24/09/2021 by accepting Gift Deed dtd. 24/11/2020 from her Aunt who was in possession of the said premises, an Indemnity Bond, NOC in the form of an Affidavit dtd. 24/11/2020, Aadhar Card and PAN Card.
- 5.2 The Respondent no. 2 has raised an objection on 26/11/2024 to the change of name by submitting 'Will' dtd. 24/07/2012 by Late Sunanda Parshuram Shah in his favour, informing that he has filed Testamentary Petition for the Probate of last 'Will' and Testament dtd. 24/07/2012 in the High Court of Judicature at Bombay on 29/02/2024 with TPL/7227/2024 u/s 276 of Indian Succession Act, 1925.
- 5.3 A hearing was held by the Respondent no. 1 on 23/12/2024. Thereupon, on 29/12/2024, the Complainant has submitted registered 'Will' dtd. 21/07/2014 before Jt. Sub-Registrar, Mumbai City bearing no. 3089/2014 by Late Sunanda Parshuram Shah in favour of the Complainant. Both the parties have submitted copies of complaints made in the police stations, with various statutory authorities and cases in the Hon. Small Cause Court.



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- 5.4 On inspection of the documents, the Respondent no. 1 has issued an order dtd. 10/02/2025 to revert the name to original registered consumer Late Sunanda Parshuram Shah on the electricity bill, on the basis of objection raised by the Respondent no. 2 with submission of copy of 'Will' dtd. 24/07/2012 by Late Sunanda Parshuram Shah in his favour and the Undertaking submitted by the Complainant during the application for change of name. However, the site inspection was carried out by the Respondent no. 1 on 01/04/2025 and has reported that the Complainant was physically occupying the said premises.
- 5.5 The Respondent no. 2 has not been able to substantiate his succession rights on the basis of distant relationship with Late Sunanda Parshuram Shah and the probate petition filed by him is pending in the Hon. High Court, Mumbai. He claimed that he was staying with her as she has given him shelter being an orphan and helped him to get married. However, he has shifted to other premises after birth of his child. The last 'Will' submitted by the Complainant dtd. 21/07/2014 is registered document executed by Late Sunanda Parshuram Shah. Also, at the time of change of name carried out in favour of the Complainant by the Respondent no. 1 on 24/09/2021, Late Sunanda Parshuram Shah had given her consent by an Affidavit. However, the Respondent no. 1 has not confirmed of her consent in person while transferring name on the electricity bill in favour of the Complainant.
- 5.6 During the period from 24/09/2021 till death of Late Sunanda Parshuram Shah on 23/01/2024 and objection raised by the Respondent no. 2 on 26/11/2024, further till date the Complainant is occupant of the premises. Also, the last 'Will' registered document executed by Late Sunanda Parshuram Shah dtd. 21/07/2014 is in favour of the Complainant. NOC in terms of Affidavit dtd. 24/11/2020 executed by Late Sunanda Parshuram Shah in favour of the Complainant was submitted on 24/09/2021 at the time of change of name, which is in line with the Clause no. 12.3 of the MERC Supply Code, 2021.
- 5.7 The Respondent no. 1 in their comment at para 2.1 has accepted that the documents submitted by the Complainant at the time of application for change of name were found in order, proper and sufficient. However, they have not been able to explain the basis of acceptance of objection raised by the Respondent no. 2 as mentioned at para 2.1.1 & 2.2 in their submission regarding




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letter of Undertaking violating the terms by the Complainant, since the Respondent no. 2 is not the landlord or lawful occupant or any statutory authority to raise the objection.

- 5.8 Further at para 2.6, the Respondent no. 1 has mentioned that there is no prima facie loss, damage or inconvenience caused to the Complainant by the order dtd. 10/02/2025 to revert the name to original registered consumer Late Sunanda Parshuram Shah and the parties are at liberty to approach the concerned civil Court for adjudication of their claims. In that case, since the documents submitted by the Complainant at the time of application for change of name were found in order, proper and sufficient, the change of name carried out in favour of the Complainant was valid. However, the reversion carried out by the Respondent no. 1 on the basis of objection raised by the Respondent no. 2 without checking veracity of the documents is invalid and without reference to any provision. Also, the order dtd. 10/02/2025 issued by the Respondent no. 2 is without proper reasoning. It is therefore reiterated to update and issue revised Procedure Order, for not only filling up the gaps in verification of documents but also to set responsibilities for such lacunas.
- 5.9 On careful consideration of the rival submissions and perusal of documents on record, we found that the act of the Respondent no. 1 transferring the electricity meter in the name of the Respondent no. 2 is nothing but arbitrary and without any proper foundation. So far, as their claims for legal heirs of Late Sunanda Parshuram Shah this issue can very well be agitated by the parties before the competent court and they are at liberty to do so. It will be just & proper at this juncture to direct the Respondent no. 1 to revert the electricity meter in the name of the Complainant Jyostna Sunil Khandekar. Consequently, we have come to the conclusion that the order of the Respondent no. 1 for change of name passed in favour of the Respondent no. 2 is not valid. Hence, point no. 1 is answered in the negative and we pass the following order as answer to point no. 2.




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ORDER

1. The Grievance No. GN-513-2025 dtd. 24/03/2025 is allowed.
2. The Respondent no. 1 is directed to revert the name of the Respondent no. 2 from the electricity meter and restore it in the name of the Complainant i.e. Jyostna Sunil Khandekar with immediate effect in respect of the said premises. The compliance for the same shall be submitted to the Forum within one month from the date of this order.
3. The Respondent no. 1 is directed to update Procedure Order no. 236 dtd. 03/05/2017 and issue revised Procedure Order filling up the gaps in verification of documents and set responsibilities.
4. Copies of this order be given to all the concerned parties.



(Mr. Jitendra W. Chavan)

Technical Member
CGRF BEST



(Mrs. Anagha A. Acharekar)

Independent Member
CGRF BEST



(Mr. Mahesh S. Gupta)

Chairman
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