

		Date	Month	Year
1	Date of Receipt	15	07	2024
2	Date of Registration	18	07	2024
3	Decided on	23	08	2024
4	Duration of proceeding	49 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-506/2024 dtd. 08/07/2024**

Mrs. Pritilata Madhukar Borkar ..... Complainant

1. Ms. Bharati Madhukar Borkar (Mrs. Dipti Prakash Valanj)
2. Mr. Chandrashekhar Madhukar Borkar
3. Mr. Nayan Madhukar Borkar.

V/S

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

Mr. Ulhas Madhukar Borkar ..... Respondent no. 2

Present Coram : Hon. Chairman (CGRF) : Mr. M.S. Gupta,

Hon. Independent Member (CGRF) : Mrs. Anagha A. Acharekar,

Hon. Technical Member (CGRF) : Mr. J.W. Chavan.

On behalf of the Complainant : Mrs. Dipti Prakash Valanj.

On behalf of the Respondent no. 1 : B.E.S.&T. Undertaking

1. Mr. L.S. Patil, Superintendent Customer Care, G/North Ward
2. Mr. D.S. Thamke, Asst. Administrative Officer Customer Care, G/North Ward

On behalf of the Respondent no. 2 : Mr. Ulhas Madhukar Borkar.

Date of Hearing : 23/08/2024

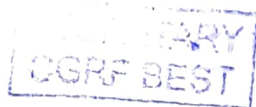
Date of Order : 05/09/2024



Handwritten signatures of the members: Mr. M.S. Gupta, Mrs. Anagha A. Acharekar, and Mr. J.W. Chavan.

## Judgment

- 1.0 The Complainant's case , in brief , is that, Late Smt. Pritilata Madhukar Borkar was original consumer, residing at A-102, Staney Fernandis Wadi Co. Hsg. Soc. Ltd., D.S. Babrekar Marg, Dadar (W), Mumbai – 400 028, having A/C. No. 621219033, for Electric meter connection. The complainant claimed that after death of Smt. Pritilata Madhukar Borkar on 21.06.2013, following 5 children are legal heirs, viz.;
- Ms. Bharati Madhukar Borkar (Mrs. Dipti Prakash Valanj),  
Mr. Chandrashekhar Madhukar Borkar,  
Mr. Ulhas Madhukar Borkar,  
Mr. Milind Madhukar Borkar,  
Mr. Nayan Madhukar Borkar.
- 2.0 The complainant further submitted that Respondent No. 1 has transferred the meter connection in the name of Mr. Ulhas Madhukar Borkar, only on the basis of NOC issued by the Housing Society, which was issued illegitimately on insufficient documents submitted by Respondent No. 2. Since NOC was not issued by the other heirs, the complaint has been made to revert the meter connection in the name of their mother late Smt. Pritilata. The complainant has submitted Ration Card copy as proof of documents and affidavit registered on 29.03.2024. Also the complainant had raised an objection earlier with the Respondent No.1 regarding the same, on 01.04.2024. The Complainant has prayed to revert electric meter connection in the name of original consumer late Mrs. Pritilata.
- 3.0 Respondent No. 1 in its reply has contended that, transfer of meter connection in the name of Respondent No.2 was done as per Procedure order No. 236 dated 03.05.2017 and the documents submitted by the applicants are found in order, proper and sufficient to process the application for Change of name. Upon the objection of the complainant vide letter dated 01/04/2024, an order was passed by the Respondent No. 1 that, no site investigation was carried out but on the basis of documents submitted by the Respondent No. 2 and the onus of the genuineness of the documents lying upon the applicant, the objection raised by the Complainant was overruled and Status quo was maintained with electric meter connection in the name of Respondent No. 2. The Respondent No. 1 has appealed to issue proper directives in the matter.



- 4.0 The Respondent No. 2 in his reply has professed that late Smt. Pritilata, his mother during her life time has made nomination of the above said property in his name, on 20.03.2010. He has accepted the fact that the complainants are his siblings, but he claimed that they do not have any right in the above said property, where he has been the only occupant. The Respondent No. 2 has also brought to the notice that the case in City Civil Court bearing Suit No.00712/2024 has been disposed off vide order dated 27.07.2024, as it was withdrawn by the plaintiff. The Respondent No. 2 has claimed that the Housing Society has transferred share certificate in his name on 08.03.2022, upon death of his mother Smt. Pritilata. The Respondent No. 2 has pleaded that the matter regarding issuance of succession certificate is subjudice before the Court and change of name as per request of the complainant may intervene in the process. Therefore, till succession rights are not ascertained, Change of name should not be done.
- 5.0 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 on electricity bill of the said premises carried out by the respondent no. 1 in the name of the respondent no. 2 is valid ?	Negative
2	What order ?	As per final order.

### REASONS

- 6.0 We have heard the parties in this matter and gone through various documents filed by them. The representative of the Complainant during course of argument amongst other grounds submitted that, the Respondent no. 1 has not followed due procedure laid down in the regulations and hence illegally changed name to the Respondent no. 2 in the electricity bill of the said premises, without consent of the legal heirs. The Respondent no. 1 has submitted that the Respondent no. 2 has given proper documents relating to change of name concerned to NOC from the Housing Society as per Procedure order No. 236, dated 03.05.2017.



- 6.1 The representative of the Complainant vehemently argued that the NOC submitted by the Respondent No. 2 is illegitimate, as nomination form is not signed by the office bearer of the society. The Respondent No. 2 has also submitted disability certificate dated 18/12/2022. It appears that vide order dated 23.09.2023, the Dy. Registrar Co. Op. Hsg. Societies, G/North Division, Mumbai vide order dated 27/09/2023 has disposed off application of the Complainants for Joint Membership in the Housing Society in relation to suit property of flat no. A-102, Staney Fernandis Wadi Co. Hsg. Soc. Ltd., D.S. Babrekar Marg, Dadar (W), Mumbai – 400 028 and withheld the decision of the Housing Society to transfer the Share Certificate in the name of Respondent No. 2.
- 6.2 Respondent No. 1 has claimed that Change of name in the name of Respondent No. 2 has been carried out on the basis of society NOC signed by the Secretary dated 14.10.2018. Prima facie, it is seen that on 08.03.2022 the society has transferred the said premises in the name of Respondent No. 2 in its record, on the basis of Nomination. Pertinent to note that, Suit No. 00712/2024 before Hon. City Civil Court has been disposed off vide Order dated 27.07.2024, as the permission to withdraw the suit is granted with liberty to file further proceedings on fresh course of action.
- 6.3 Undisputedly, an electric connection bearing A/c no. 621219033 was in the name of late Smt. Pritilata Madhukar Borkar for the said premises, which has been transferred by the Respondent No. 1 in the name of Respondent No. 2, now bearing A/c No. 62121906 with effect from 06.05.2019. The Respondent No. 1 has claimed that the transfer in the name of Respondent no.2 was done as per Procedure order 236 dated 03.05.2017. However, in application submitted by Respondent No. 2 on 30.04.2019, at Clause No. 8 list of his self attested documents are mentioned, wherein at Sr.No. 3 tick mark has been made by Respondent No.2 against submission of NOC of Legal heirs of previous consumers upon death. Apparently, as claimed by the complainant and also agreed by the Respondent No. 1 during the hearing, such documents were not submitted at the time of application or till date, by the Respondent No. 2. The procedure order No. 236 dated 03.05.2017 mentioned by Respondent No. 1 is based on MERC (Electricity Supply Code & Standards of performance of Distribution Licensees including Power Quality) Regulations, 2021 Clause 12.3 (b). In the above Procedure order of the BES&T, it is mentioned that in absence of consent letter of the transferor for transfer of connection in the name of transferee, list of documents detailed in annexure should be submitted along with the



application. This clause in the above said procedure order No. 236 is based on requirement of "Proof of ownership of premises/occupancy of premises". In the above said annexure at Sr. No. 13, the documents to be accepted is described as "Registered Societies request or letter head duly stamped and signed by either of the office bearer along with the copy of conveyance deed and /or transfer deed with division." However, it is clearly not mentioned as well in the procedure order stated above, to accept the documents of only Society NOC will be sufficient to transfer the Meter Connection as held in the order of Respondent No. 1, on 26.06.2024.

- 6.6 Having considered the rival submissions of the parties, the Forum come to the conclusion that neither the complainant nor the respondent no.2 has submitted any legal document for transfer of meter connection. Moreover, the property Ownership is not transferred to the nominee, as he is mere trustee of the property until the legal heirs are identified and established according to the Succession Act or a Will. Eventually, the Change of name in the electricity bill of the said premises from the name of Original consumer to the Respondent no. 2 carried out by the Respondent no.1 is not valid as it was done without following due process of law, as well as not following relevant documents properly, hence the same is liable to be rectified.
- 6.7 In this view of the matter, Point No. 1 is answered in Negative.
- 6.8 Before parting with the discussion we would like to mention here that it is being repeatedly noticed by the Forum that verification of documents are not being carried out properly in cases of Change of name by the respondent no.1. Also, scrutiny of verification of documents is not done scrupulously by the officers while sanctioning approval and no separate speaking order is passed while implementing Change of name. To avoid recurrence of such cases updation of the Procedure order should be done, for not only filling up the gaps in verification of documents but also to set responsibilities for such lacunas. Hence, we pass the following order, as answer to Point No. (2).

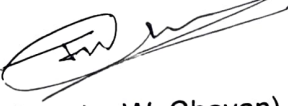


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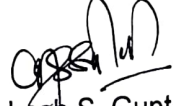
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## ORDER

1. The Grievance No. C-506 dated 18/07/2024 is allowed.
2. The Respondent no. 1 is directed to revert the name of the Respondent no. 2 to the original Consumer Smt. Pritilata M. Borkar in respect of A/c no. 621219016 and meter no. C054821 situated in the said premises.
3. The Respondent no. 1 is directed to issue updated Procedure order immediately, so as to enable critical verification of the documents before accepting such type of applications in future and lacuna in the scrutiny, during approval, sanction by the responsible officers.
4. Copies of this order be given to all the concerned parties.

  
(Mr. Jitendra W. Chavan)  
Technical Member  
CGRF BEST  
Member

  
(Mrs. Anagha A. Acharekar)  
Independent Member  
CGRF BEST  
Member

  
(Mr. Mahesh S. Gupta)  
Chairman  
CGRF BEST  
Chairman



  
SECRETARY  
CGRF BEST