

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

(Appointed by the Maharashtra Electricity Regulatory Commission
under Section 42(6) of the Electricity Act, 2003)

REPRESENTATION NO. 75 OF 2024

In the matter of Change of Name

Amit Balam Chavan..... Appellant

V/s.

Brihanmumbai Electric Supply & Transport Undertaking Respondent No.1
F/South (BEST Undertaking)

Poornima Ganesh Chavan.....Respondent No.2

Appearances:

Appellant : Amit B. Chavan

Respondent No. 1: 1. Sanjeev S. Mairh, Divnl. Engineer CC-F/S
2. Sanjivan T. Damse, AOCP

Respondent No. 2: Sunil Ganesh Chavan, Son of Poornima Ganesh Chavan


Coram: Vandana Krishna [I.A.S. (Retd.)]

Date of hearing: 28th May 2024

Date of Order : 18th June 2024

ORDER

This Representation was filed on 23rd April 2024 under Regulation 19.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020) against the Order dated 13th


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



March 2024 in Case No. FS-492-2023 passed by the Consumer Grievance Redressal Forum, BEST Undertaking (the Forum).

2. The Forum by its above order has allowed the grievance and directed as below:


“2. The Respondent no.1 is directed to restore the name of the complainant in respect of said meter no. J185973 within 15 days from the date of receipt of this order.”

PREAMBLE

- (i) The Original electric connection was in the name of deceased Smt. Jankibai Sitaram Chavan (Cons. No. 781465013) from 19.11.1971 at Gr. Floor, Room No. 2/6, Sankata Prasad Chawl, G. D. Ambekar Marg, Ambewadi, Kalachowky, Mumbai.
- (ii) Smt. Jankibai Sitaram Chavan had three children namely
- Leela Sitaram Chavan (Sumati Kashinath Kadam after marriage),
Daughter : Expired on 19.09.2022.
 - Balaram Sitaram Chavan, Son : Expired on 11.11.2021.
 - Ganesh Sitaram Chavan, Son : Expired on 24.11.2019.

All these children have expired, and the said premises is now occupied by Poornima Chavan, wife of Ganesh Chavan who had changed the name on the electricity bill in her name on 20.12.2019. However, Amit Balaram Chavan (Son of Balaram Sitaram Chavan) and the current Appellant objected to this change of name on the ground of the wrong family tree being submitted by her. The Respondent No.1 immediately reverted the name to the original consumer as shown in Table 1. This made Poornima Chavan approach the Forum on 12.01.2024. The Forum registered the case and made Amit Balaram Chavan (the objector) a party as Respondent No.2 in its proceedings and scheduled a hearing. After hearing all the parties, the Forum, by its order dated 13.03.2024 directed to restore the name of Smt. Poornima Ganesh Chavan. Amit Balaram Chavan, being aggrieved by this order of the Forum, has filed the present representation before this Authority.

The sequence of change of names on the electricity bill is tabulated below:



(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



Sr. No.	Name	Change of Name			Date of change of Name	New Cons.No.	Remarks
		From	Old Cons.No.	To			
1	Smt Jankibai Sitaram Chavan	Smt Jankibai Sitaram Chavan	565-157-015	Smt. Poornima Ganesh Chavan	20.12.2019	565-157-032	(i)Date of Supply of Jankibai Sitaram Chavan was 19.11.1971 at Grd. Floor, Room No. 2-6, Sankata Prasad Chawl, G.D.Ambekar Marg, Ambewadi, Kalachowky, Mumbai. (ii)The change of name was done on 20.12.2019 (iii)Jankibai Sitaram Chavan expired on 01.12.2011.
2	Amit Balaram Chavan (Objector)	Smt. Poornima Ganesh Chavan	565-157-032	Smt. Jankibai Sitaram Chavan	01.11.2023	565-157-015	(i) Objection of Amit Balaram Chavan vide letter dated 21.09.2023 to BEST Authority. (ii) BEST has reverted the connection in the name of Smt. Jankibai Sitaram Chawan on 01.11.2023.
3	Smt. Poornima Ganesh Chavan approached Forum	Smt Jankibai Sitaram Chavan	565-157-015	Smt Poornima Ganesh Chavan	Mar-24	565-157-032	(i)Smt. Poornima Ganesh Chavan approached the Forum on 12.01.2024 against the reversion of Name (ii) The Forum by its order dated 13.03.2024 directed to restore the name of Smt. Poornima Ganesh Chavan.
4	Amit Balaram Chavan	Not applicable					Amit Balaram Chavan filed this Representation on 23.04.2024 against the order of the Forum dated 13.03.2024.

3. Aggrieved by the order of the Forum dated 13.03.2024, the Appellant (Amit Balaram Chavan) has filed this representation. A physical hearing was held on 28th May 2024 where all the parties were heard at length. The Appellant's submissions and arguments are stated as below: -


- (i) The Appellant is the grandson of Jankibai Sitaram Chavan, the original consumer, and the son of Balaram Chavan.
- (ii) The original Electric Connection (Cons. No. 565-157-015) was installed in 1971 in the name of his grandmother, Jankibai Sitaram Chavan at the above premises. The electricity bill was under her name until December 2019.
- (iii) Smt.Jankibai Chavan had three children as mentioned in the Preamble above. This premises / tenement is a joint family property. Following the death of Ganesh Sitaram Chavan, his wife, Poornima Ganesh Chavan submitted a misleading indemnity bond to the BEST authorities, resulting in change of name to Poornima Chavan. In this


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



undertaking, the Respondent No.2 (Poornima Chavan), falsely claimed to be the sole legal heir of the deceased Jankibai Sitaram Chavan, based on a false and misleading family tree provided by her supposedly on the advice of her advocate. Based on this false document, the BEST Undertaking transferred the electricity meter to her name on 19.12.2019. The Respondent No. 2 intentionally submitted the wrong family tree, and the Appellant was unaware of the change of name. She did so with malicious intent without the knowledge of the other legal heirs. Thereafter, the Covid-19 Pandemic and lockdown started from 20.03.2020.

- (iv) Upon discovering this transfer, the Appellant immediately wrote to the BEST authorities on 21.09.2023, clarifying the correct facts. Subsequent to his objection letter, the BEST authorities wrote to Smt. Poornima Ganesh Chavan on 23.10.2023, requesting for documents to prove her ownership of the said property. In response, she submitted documents along with rent receipts and a No Objection Certificate from the proposed society. Upon realizing the insufficiency of these documents, the BEST authorities reverted the connection back to its original consumer, Jankibai Sitaram Chavan on 27.10.2023. They also issued a letter stating that if the decision was unacceptable, an appeal could be made to the Forum within 60 days.
- (v) Smt. Poornima Ganesh Chavan approached the Forum on 15.01.2024, stating that the BEST undertaking authorities did not provide her with sufficient time, and unjustly reverted the meter back to the previous consumer's name, Mrs. Jankibai Sitaram Chavan. The Forum passed its order on 14.03.2024 unjustly in favour of Smt. Poornima Ganesh Chavan without considering the basic facts, resulting in injustice to the Appellant.
- (vi) The property is jointly owned, and rent payments to the landlord were always made collectively by the family. Previously Balaram Chavan and Ganesh Chavan paid these amounts together in cash ranging from approximately Rs.300/- to Rs.500/- per year.
- (vii) It has come to light that the rent receipts submitted by Smt. Poornima Ganesh Chavan are unauthentic as stated in the letter issued by Khapribaba Gruh Nirman Sanstha (Proposed) on 04.04.2024. *[Note: The proposed society has mentioned that it does not*


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



favour or support any one particular brother over the other. The earlier No Objection Certificate issued by the proposed society on 23.10.2023 is now cancelled by their letter dated 04.04.2024.]

The Appellant also pointed that if the property was purchased in 1971 and a relinquishment deed was executed in 1988, how could the rent receipts originate from 1995? Additionally, obtaining NOC from a proposed society, Khapribaba Gruh Nirman Sanstha (which is not registered) does not stand legally.


- (viii) The Respondent No. 2 (Poornima Ganesh Chavan) had also submitted a family settlement/ waiver report/ relinquishment deed dated 28.01.1988 of the share in the premises of the Appellant's father by accepting Rs. 30,000/- on Rs. Five Stamp Paper, which is a forged document. The recent signature of his father does not match the original signature. *[Note: We have examined and compared the signatures. No conclusive proof can be drawn that the signatures do not match. The Appellant has refrained from filing any documents with his father's signature fearing that the Respondent No.2 may forge his father's original signature to mislead the court.]*

This agreement is not a registered nor a notarized document. The ages of the parties shown in the waiver report were not commensurate, but fake. Poornima Ganesh Chavan had also submitted bogus rent receipts.

- (ix) The Appellant prays that the Respondent No.1 be directed to revert the connection in the name of Smt. Jankibai Sitaram Chavan, the original consumer.

4. The Respondent No.1 (BEST Undertaking) filed its reply on 9th May 2024. Its submissions and arguments are stated as below: -

- (i) Initially, the Consumer A/c No. 565-157-015 (Old) was in the name of Smt. Jankibai Sitaram Chavan for the premises mentioned in para 3 (ii).


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




- (ii) Vide requisition no. 5750867 dated 20/12/2019 the applicant Smt. Poornima Ganesh Chavan applied for Change of Name along with the following documents:-
- Pan Card & Aadhar Card of Shri Nitesh Ganesh Chavan, her elder son.
 - Ration Card No. 801478 in the name of Shri Ganesh Sitaram Chavan, her husband.
 - Indemnity Bond** showing the (Family Tree) having Notary Register Sr. No. 237 page No. 17 dated 19/12/2019 stating that there was **no other Legal heir**. *[Note: We examined the family tree mentioned in this document. It falsely does not mention the other heir / son of Jankibai Sitaram Chavan.]*
 - Death Certificates of Smt. Jankibai Sitaram Chavan. (Mother-in-Law), Shri Sitaram Narayan Chavan. (Father-in-Law) and Shri Ganesh Sitaram Chavan. (Husband)

As per the above submitted documents, change of name was processed, and a new Consumer A/c No. 565-157-032 in the name of Smt. Poornima Ganesh Chavan was generated in February 2020. Shri Amit Chavan raised his objection to this change of name vide his letter dated 21.09.2023.

- (iii) **Smt. Poornima Ganesh Chavan had submitted an undertaking that if any objection was raised by the family, the BEST Undertaking reserved the right to retransfer the connection back in the name of the original registered consumer.** *[Note: We have checked and confirmed this undertaking.]*


The said Consumer A/c No. 565-157-032 was reverted to the name of Smt. Jankibai Sitaram Chavan on 01.11.2023.

- (iv) Further, Smt. Poornima Ganesh Chavan approached the Forum against this reversion of name.


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



- (v) Shri Amit Balaram Chavan submitted a complaint letter dated 21/09/2023 to the Divisional Engineer, CC (F/S) stating that Smt. Poornima Ganesh Chavan, while changing her name, had given incomplete and wrong information about the family tree and misled BEST Undertaking. The following documents were submitted along with this complaint:-
- 1) Family Tree chart as shown in Preamble (ii)
 - 2) Death Certificates of Sitaram Narayan Chavan (Grand Father), Jankibai Sitaram Chavan (Grand Mother), Balaram Sitaram Chavan (Father of Amit Chavan), Satish Balaram Chavan (Real Brother of Amit Chavan), Ganesh Sitaram Chavan (Husband of Mrs. Poornima Chavan) and Sumati Kashinath Kadam (Daughter of Jankibai Sitaram Chavan)
- (vi) Emails were also sent by Shri Amit Balaram Chavan on 21.09.2023 to various police authorities stating that Smt. Poornima Ganesh Chavan, Nitesh Ganesh Chavan and Sunil Ganesh Chavan had submitted wrong and incomplete information for the said connection.
- (vii) A site inspection of the said premises was carried out on 04.10.2023. As per the site inspection report, Smt. Poornima Ganesh Chavan was found to be the physical occupant of the said premise, which was confirmed through Aadhar Card & Election Card. *[Note: It is not disputed by the parties that Smt. Poornima Ganesh Chavan stayed in the premises. The Appellant stated during the hearing that many years ago his father had voluntarily left the premises to his brother “as a favour”, or “out of generosity” However, he objected to the false family tree document.]*
- (viii) Shri Amit Balaram Chavan submitted another letter dated 06.10.2023 asking to reinstate the old owner’s name i.e. Smt. Jankibai Sitaram Chavan, or add his name along with Smt. Poornima Ganesh Chavan, as per the family tree bond submitted by him and as per Hindu Succession Act 1956. The dispute and correspondence continued with the parties.


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




- (ix) Finally, the BEST Undertaking took a stand that the information about the family tree given by Smt. Poornima was misleading and incomplete. In view of the above, the Consumer A/c no. 565-157-032 was reverted to the name of the previous consumer, Smt. Jankibai.
- (x) BEST has no particular preference or stand.
- (xi) In view of the above claims and counter claims, it is prayed to pass an order as may be deemed fit & proper.

5. The Respondent No. 2 Smt. Poornima Ganesh Chavan filed her say on 13th May 2024. Her submissions and arguments are stated as follows: -

- (i) Initially, the Consumer A/c No. 565-157-015 was in the name of her mother-in-law, Smt. Jankibai Sitaram. Her husband Ganesh Chavan expired on 24/11/2019. The pan card, Aadhaar Card, Ration Card etc. of her husband had the said address. The rent receipt was in her husband's name from 1995. She has been residing there for many years since before 1995. She had applied for Change of Name along with the documents as already mentioned in para 4 (ii). These include: -
 - a. Pan Card & Aadhaar Card of Shri Nitesh Ganesh Chavan who is her son.
 - b. Ration Card No. 801478 in the name of Shri Ganesh Sitaram Chavan, her expired husband.
 - c. **Indemnity Bond** (Family Tree Bond) having Notary Register Sr. No. 237 dated 19/12/2019 stating **no other Legal heir**.
 - d. Aadhar and PAN Cards of Poornima Ganesh Chavan, etc.

Accordingly, change of name was processed and a New Consumer A/c No. 565-157-032 in her name was generated from 20.12.2019.

- (ii) Later on, the Appellant raised an objection on the ground that the family tree submitted by her was incorrect. The Family Tree submitted by her was done at the instance of her advocate, and there was no intention of misleading the Respondent No.1, BEST


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



Undertaking. This was because the property had already been relinquished by the Appellant's father.

A relinquishment deed was executed wherein Late Balaram Chavan (Father of the Appellant) had relinquished his share in the said premises by accepting Rs. 30,000/- towards his share from Late Ganesh Chavan on 28.01.1988 on Rs. Five Stamp paper. The relinquishment deed was done in front of the following panchas:-


Kashinath Bhikaji Kadam, Shri Shankar Harichandra Kadam, Shri Sitaram Tukaram Pawar & Remdas Kisan Sonavane.

- (iii) Late Balaram Chavan had given up his share in the premises. That is why the Advocate made the family tree showing the Respondent 2 as the sole heir.
- (iv) Smt. Poornima has been in settled possession of the said premises for more than 35 years. The site inspection carried out on 04.10.2023 by the Respondent No.1 confirmed that Smt. Poornima Ganesh Chavan is the physical occupant.
- (v) The Respondent No. 2 prays that the representation of the Appellant be rejected.

Analysis and Ruling

6. Heard the parties and perused the documents on record. The original electric connection was in the name of late Smt. Jankibai Sitaram Chavan, the grandmother of the Appellant as well as Respondent No.2 from 19.11.1971 at Ground Floor, Room No. 2-6, Sankata Prasad Chawl, G.D. Ambekar Marg, Ambewadi, Kalachowky, Mumbai (a pagadi property). The further developments have been enumerated in detail in the preamble. The sequence of the change of names is already presented in Table 1.

7. The Appellant (Amit Balaram Chavan) contended that the Respondent No. 2, Poornima Ganesh Chavan has submitted a wrong family tree without including the other heirs of Smt. Jankibai Sitaram Chavan during the change of name process by misleading the Respondent No.1, BEST Undertaking. This is a serious offence. The rent receipts produced by her had no meaning as they were not issued by the Landlord but by Khapribaba Gruh


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




Nirman Sanstha (Proposed) which is not yet a registered society. Therefore, such change of name should not be permitted. Smt. Poornima had submitted the family settlement/ waiver report/ relinquishment deed/ “Hakka Sod Dastak” of his father’s share in the premises, wherein he supposedly relinquished his share by accepting Rs. 30,000/- on Rs. Five Stamp Paper, which is allegedly a forged document and was never signed by his father Balaram Chavan. This document does not have any legal standing as it is not a registered document nor notarized. The ages of the parties shown in this waiver report and their signatures do not coincide with the factual position. The No Objection Certificate given by the Khapribaba Gruh Nirman Sanstha (Proposed) has now been cancelled by their letter dated 04.04.2024, as they do not want to take sides in a family dispute.

8. The Respondent No.2 contended that she is now the sole owner of this pagadi property, as per family settlement/ waiver report (Hakka Sod Dastak) of the share of Appellant’s father (Balaram Sitaram Chavan) on 28.01.1988. This report was signed by Ganesh Sitaram Chavan (Her Husband), Balaram Sitaram Chavan (Appellant’s father) and other witnesses (comprising of all close family members). The said property is in her occupation from 1988. She is paying the rent and electricity bill and is physically residing there. After signing the Hakka Sod Dastak, Balaram Sitaram Chavan took a separate property, and his family are staying there, and have never stayed in the said property. She had submitted the family tree in good faith without including the other heirs of Jankibai Sitaram Chavan, on the strength of the Hakka Sod Dastak, and as per the advice of her Advocate. She had no intention of misleading the Respondent No. 1 as she is in settled occupation for more than 30 years, and she had the right to change the meter in her name.

9. As stated by both the parties in the hearing, so far there has been no civil suit filed by any of them in any civil court.

10. The Respondent No. 1, BEST Undertaking contended that this premises / tenement is a joint family property. Following the death of Ganesh Sitaram Chavan, his wife, Poornima Ganesh Chavan submitted a misleading indemnity bond to the BEST undertaking authorities,


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



resulting in a change of name in her favour. She submitted an affidavit to the Respondent No.1 falsely claiming to be the sole legal heir of the deceased Jankibai Sitaram Chavan. This affidavit was based on a misleading family tree which was supposedly prepared by her advocate. Subsequently, the BEST Undertaking transferred the electricity meter to her name on 19.12.2019. They have taken an Undertaking from the Respondent No.2, Poornima during the process of change of name. The contents of the Undertaking are as below:


“I have read and understood the procedure of registration for change in name as stated the application & I shall abide the set procedure and submit all true and valid documents.

In case of any fake representation on my part or any fraudulent documents submitted by me are not absolutely correct, I shall be solely and exclusively responsible for criminal proceeding or any court proceeding initiated against me.,

In case of any dispute or any objection raised by Land Lord/ any Statuary Authority/ Any other person on account of the change in name of the above connection to my name/our name/names, BSEST Undertaking reserve the right to re-transfer the connection in the name of the original registered consumer.”

11. We find that there are allegations and counter allegations by both the parties, and multiple documents were submitted by the Appellant and Respondent No. 2 to justify their rival contentions in the said property. Prima facie, the Respondent No. 2 is in settled possession of the property; however admittedly submitted a false and misleading family tree to get the change of name in her favour. The BEST Undertaking had properly reverted the name from Smt. Poornima Ganesh Chavan to Smt. Jankibai Sitaram Chavan, the original consumer till 20.12.2019.

We find that this adequately serves the purpose of justice at this point. During the hearing the parties were advised to settle the matter through mutual discussion; however so far they have not come to any understanding. Since the Appellant has admittedly not been residing in the


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




said property, there is no prima facie loss, damage or inconvenience caused to him by the change of name in favour of the occupant, Respondent No. 2. However his chief grievance seems to be that the change of name was effected by a misleading document, i.e. an incomplete family tree.

It is not possible for this authority to determine whether the relinquishment deed for Rs.30,000/- allegedly signed by the Appellant's father dated 28.01.1988 is a genuine and legally valid document or not. There are claims and counter – claims by both the parties in this regard. Both the parties i.e. the Appellant as well as the Respondent No. 2 are at liberty to adjudicate their respective rights and shares in the said property by approaching a competent Civil Court. We are not the proper Adjudicating Authority in such a civil matter or property dispute. .

12. The order of the Forum is kept aside. The Representation of the Appellant is allowed. The Respondent is directed to revert the connection in the name of Smt. Jankibai Sitaram Chavan, the original consumer.

13. The Representation is disposed of accordingly.

Sd/-
(Vandana Krishna)
Electricity Ombudsman (Mumbai)


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

