

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 147 of 2024

In the matter of Change of Name

Ulhas M. Borkar..... Appellant

V/s.

Brihanmumbai Electric Supply & Transport Undertaking Respondent No.1
(BEST Undertaking)
Dipti Prakash Valanj (Bharati M. Borkar) Respondent No.2
Chandrashekar M. Borkar..... Respondent No. 3
Milind M. Borkar..... Respondent No. 4
Nayan M. Borkar..... Respondent No. 5

Appearances:

Appellant : Ulhas M. Borkar
Respondent No. 1 : 1. Sunil S. Gawde, Divisional Engineer, CCGN Ward
2. R. K. Kamble, Superintendent
3. K. S. Popere, A.O.
Respondent No. 2 : Dipti Prakash Valanj / Representative
Respondent No. 3 : Chandrashekar M. Borkar
Respondent No. 4 & 5 : None


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

Date of hearing: 13th December 2024

Date of Order : 9th January 2025

ORDER

This Representation was filed on 8th November 2024 under Regulation 19.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum &


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Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020) against the Order dated 26th June 2024 passed by the Consumer Grievance Redressal Forum, BEST Undertaking (the Forum). The Forum by its order allowed the grievance and directed as below:


*“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. 621-219-016 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.”*

2. Preamble:

- A. Late Madhukar Borkar expired on 30-11-1991. His Wife, Smt. Pritilata Madhukar Borkar, was allotted a premises at Flat No. A-102, Staney Fernandis Wadi Co Op. Housing Society Ltd, D. S. Babrekar Marg, Dadar (w), Mumbai- 400 028 admeasuring about 225 sq. meters under the Project Affected Person (PAP) scheme by MCGM due to redevelopment of her old building at Imamwada, B.I.T. Bldg. No. 2/3/12, Mumbai in the year 2009. Smt. Pritilata Madhukar Borkar occupied the said premises from 27-11-2009.
- B. The original electric connection (No. 621-219-033) of the said premises was in the name of “West Avenue Realtors Pvt. Ltd.” from 15-06-2006. After occupation of the said premises, the name of the electric connection was changed from West Avenue Realtors Pvt. Ltd. to Smt. Pritilata Madhukar Borkar on 31.08.2010 having the same Consumer No. 621-219-033.
- C. Smt. Pritilata Madhukar Borkar had 1 daughter and 4 sons as charted below:

Table 1:


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Sr. No.	Name	Age	Relation with Smt. Pritilata
1	Smt. Deepti Prakash Valanj (Bharati Madhukar Borkar)	67	Married Daughter
2	Chandrashekhar Madhukar Borkar	63	Son
3	Ulhas Madhukar Borkar	60	Son
4	Milind Madhukar Borkar	58	Son
5	Nayan Madhukar Borkar	53	Son


D. The important events in this case are tabulated as under: -

Table 2:

Sr. No.	Name	Event details
1	Pritilata Madhukar Borkar	Occupied the premises on 27-11-2009
2		Allotted member in the Society on 20-03-2010
3		She expired on 21-06-2013
4	Ulhas M. Borkar	Society transferred the Share Certificate of the said flat in his name on 08-03-2022
5	Resp.2,3,4&5	Filed appeal before the Sub-Registrar, Co-operative Society, G/North Ward on 11-11-2022
6		Sub-Registrar, Co-operative Society, G/North Ward order dtd.27.09.2023 which rejected their admission.
7		Chandrashekhar M. Borkar & Anr. V/s. Ulhas M. Borkar - Suit No. 712 of 2024 before the City Civil Court,
8		Letter of Administration before the Hon'ble High Court on 10.04.2024 for society's membership by Resp.2,3,4&5.

3. The Forum issued orders for reverting the name on the electricity bill from Ulhas Borkar to the mother Pritilata Borkar. The Appellant (Ulhas M. Borkar, the Respondent No.2 in the Forum's order) being aggrieved by this order of the Forum has filed this present representation. A physical hearing was held on 13th December 2024 where all the parties were heard at length. The Respondent No. 1, BEST Undertaking filed its reply dated 29th November 2024. Its submission and arguments are stated as below: -

- (i) Late Smt. Pritilata Madhukar Borkar was the "allottee" for the said premises as per MCGM Authority under PAP scheme and was in possession from 27-11-2009. The Original electric connection of the said premises was in the name of M/s. West Avenue Realtors Pvt. Ltd. from 15-06-2006 with A/c. No. 621-219-033 as stated in


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the Preamble. The name on the electricity bill was changed from West Avenue Realtors Pvt. to Smt. Pritilata Madhukar Borkar on 31.08.2010.


(ii) The Appellant applied for change of name on 30-04-2019 from his mother Smt. Pritilata Madhukar Borkar to his own name with the following documents:

1. Copy of NOC from Staney Fernandis Wadi CHSL dated 14-10-2018 certifying that Ulhas Borkar is staying at Flat No. A – 102 and the society has no objection to transfer the electric connection in his name.
2. Copy of Society Maintenance Bill No.3172 dated 01-04-2019 in the name of Pritilata Borkar.
3. Copy of Death Certificate of Smt. Pritilata Madhukar Borkar who died on 06-07-2013.
4. Copy of Electricity Bill in the name Smt. Pritilata Madhukar Borkar for April 2019.
5. Copy of Aadhaar Card and Pan Card of the Appellant indicating the same address.
6. Indemnity Bond dated 06-05-2019 of the Appellant on Rs.500/- stamp paper declaring no arrears and in case of any false representation or any fraudulent documents, the Appellant is exclusively responsible.

[Note: It is not clear if the entire family tree was presented before BEST.]

(iii) Considering the documents on record, the said electricity bill was transferred in the name of the Appellant on 06.05.2019 as per BEST's Procedure Order No. 236 dated 03.05.2017 by allotting a New Consumer No. 621-219-016.

(iv) The Respondent No. 2 to 5 (Smt. Deepti P. Valanj & Other Brothers) submitted their Objection letter on 01-04-2024 against the alleged illegal change of name of electric connection from their mother Pritilata Madhukar Borkar to Ulhas Madhukar Borkar. With this complaint, the following documents were submitted by them:


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1. Copy of Affidavit Cum Undertaking of Smt. Deepti P. Valanj & Others dated 29.03.2024 requesting to include their names in the said electric bill.
2. Copies of Aadhaar & Pan Cards of Smt. Deepti P. Valanj, Shri. Chandrashekhar Madhukar Borkar, Milind Madhukar Borkar and Shri. Nayan Madhukar Borkar, showing their address as tabulated below: -

Table 3:

S.N.	Name	Address
1	Deepti Prakash Valanj	C/o. Prakash Valanj A 203 Trimurty CHS, New MHB Colony, Opp. Sailee Intl. School, Gorai Road, Borivali West, Mumbai.
2	Chandrashekhar Madhukar Borkar	A/105, Vision Court Staney Fernandes co.op.hsg.soc., D. S. Babrekar Marg, Prabhadevi Telephone Exchange, Dadar West, Mumbai.
3	Milind Madhukar Borkar	Taramumbari, Devgad, Dist. Sindhudurg, Maharashtra.
4	Nayan Madhukar Borkar	A-102 Vision Court Staney Fernandes chs, D.S.Babrekar Road, Near Prabhadevi MTNL, Dadar West, Bhawani Shankar Road, Mumbai.

3. Copy of Ration card in the name of Smt. Pritilata M. Borkar WA-157816.
 4. Copy of Death Certificate of their father Madhukar B. Borkar dated 23-12-1991.
 5. Copy of Death Certificate of Smt. Pritilata M. Borkar dated 21-06-2013.
 6. Copy of Society Maintenance Bill in their mother's name (No. 3172 dated 01-04-2019).
 7. Copy of RTI application & documents of Shri. Ulhas Borkar used for change of name.
- (v) The Respondent by its letter dated 24/05/2024 informed the Appellant about the complaint received against him by his siblings regarding name change without declaring the real family tree.



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(vi) The Appellant Ulhas Borkar by his letter dated 24-05-2024 submitted the following additional documents for strengthening his case:-

1. Copy of Society Minutes of Meeting dated 20-03-2010 confirming the membership of his mother, Pritilata Madhukar Borkar.
2. **Copy of Memorandum of transfers of Society Share Certificate dated 08-03-2022 in name of Ulhas Madhukar Borkar.**
3. **Copy of Society Nominee Application made by his mother with 100 % Share to Ulhas Madhukar Borkar.**
4. **Copy of Society Register of Nomination indicating his name as 100% nomination.**
5. Copy of Sub-Registrar, Co-operative Society, G/North Ward dated 27-09-2023 indicating rejection of the application of membership of his sister & brothers.
6. Copy of Death Certificate of Smt. Pritilata M. Borkar dated 06-07-2013.
7. Copy of Disability Certificate in the name of Mr. Ulhas Madhukar Borkar dated 18-12-2022.
8. Copy of Society NOC dated 14-10-2018 for meter transfer in the name of Mr. Ulhas Madhukar Borkar.
9. Copy of Society Maintenance Bill No.7132 dated 01-04-2024.
10. Copy of Electric Bill for the month of April 2024 (A/c No. 621-219-016) in the name of Mr. Ulhas Madhukar Borkar.
11. Copy of the Mahanagar Gas Bill in the name of Mr. Ulhas Madhukar Borkar.

(vii) The Appellant contended that he is handicapped, and the complainants are purposely making false & mischievous complaints to trouble him. Complainants are his sister & brothers, and they have no legal right to show possession on the said premises. His mother was living with him till her death, and he was taking care of her. The Society transferred the Share Certificate in his name on 08.03.2022. Hence, he is the legal heir of the said room. His brothers and sister are trying to get



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possession of the said room by making applications for Society Membership. However, the Society has rejected their membership. The Sub-Registrar, Co-operative Society, G/North has also rejected their membership. Then they approached Mumbai City Civil Court Appeal No.712/2024 vide N.M. No.1064/2024 which was also dismissed on 30.04.2024. The Appellant requested to consider the above-mentioned points and the fact of his occupation. The said room is not an ancestral property.

(viii) As per BEST's Procedure Order No. 236 dated 03.05.2017 vide para 5.1, a notice was sent to both the parties on 05.06.2024 to appear for a hearing on 14.06.2024. Accordingly, a hearing was conducted by AAO CCGN on 14.06.2024 at 03.00 pm at his Dadar office. Both the parties were present. At the time of hearing, the Respondent 2, Smt. Deepti Valanj & Others stated that the Appellant has cheated and hidden the name of legal heirs by making illegal unlawful documents, that in the Affidavit cum undertaking dated 29.03.2024, after the death of their parents, the said room stands in the name of the five legal heirs, and that without their consent or NOC, change of name has been carried out, and the said room is an ancestral property. She further requested to revert the said meter in the name of the original consumer i.e. Smt. Pritilata Madhukar Borkar. Smt. Deepti P. Valanj & Others submitted the following documents:

1. Objection / complaint letter 14.06.2024
2. MCGM allotment letter dtd.27.11.2009 to Mrs. Pritilata Madhukar Borkar.
3. Copy of Agreement between Mrs.Pritilata Madhukar Borkar & M/s. West Avenue Realtors Pvt. Ltd. for Room No. A-102.
4. Copy of Old Ration Card No.910374 & 246538
5. Copy of complaints given from 2015 till date to the Society by brothers & sister not to transfer the share certificate without NOC of Ulhas's brothers/sister.
6. Notice of advocate dated 23/01/2019 to the Society for not to transfer share certificate and ownership right to the Appellant, being ancestral property.



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7. Certificate copy of all Nominees of Mrs. Pritilata Madhukar Borkar & as per the certificate of 7/12 of Talathi office at their native place.
8. Copy of Ration Card of A-102, Staney Fernandes wadi and other miscellaneous papers.
- (ix) An Order was passed by AAO CCGN of BEST on 26.06.2024 considering the order dated 27.09.2023 of Sub-Registrar, Co-operative Society, G/North Ward, directing to maintain the status quo, i.e. the electric bill was to be kept in the current name of consumer i.e. Shri. Ulhas M. Borkar.
- (x) The Respondent No.2 to 5 filed a grievance application in the Forum on 18-07-2024. The Forum by its order dated 26-06-2024 allowed the grievance application, and directed BEST to revert the name to Late Smt. Pritilata Borkar. Accordingly, change of name was carried out to Late Smt. Pritilata Borkar on 07-11-2024.
- (xi) As per Procedure Order No. 236 dated 03-05-2017 under para 3.2, the consent letter of the transferor or one of the documents out of 21 listed documents is required to process an application for change of name. Based on the said Procedure Order, the documents submitted by the applicant were found in order and sufficient to process the application of change of name.
- (xii) In view of all above, there is a civil dispute of ownership of the subject premises. Hence, it is requested to grant appropriate order/ directives in this matter.

4. The Appellant's submissions and arguments are stated as below: -


- (i) The Appellant is the son and legal heir of Smt. Pritilata Madhukar Borkar, the original consumer who occupied the said premises from 27-11-2009 under PAP scheme who was the owner of the said Flat No. A-102. The electricity connection no. 621-219-033 was in her name as mentioned in the preamble.
- (ii) The Appellant is staying at this premises from 27-11-2009 with his wife. He is a physically handicapped person. He and his wife were entirely taking care of his mother. His mother was a member in the Staney Fernandis Wadi CHSL from 20-


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03-2010, and **she had filed a nomination form on 20-03-2010 by which she gave 100% share to him** in respect of the above flat. *[Note: Nomination form is undated & not signed by Secretary/ Chairman of the Society.]* The Appellant's mother expired on 21-06-2013.

- (iii) The Appellant applied for change of name of the electric connection to his own name on 30-04-2019 with documents mentioned in Para 3(ii). There is no question of any need for No Objection Certificate from other family members, or any need to give details of the family tree etc., as his mother had given 100 % nomination to him. The Society issued the required NOC on 14-10-2018 for transfer of electric connection to his name. The Respondent No.1 rightly changed the name.
- (iv) The Appellant applied for transfer of membership of the said CHS from his mother to his name by completing the paper formalities. Accordingly, on 27-02-2022, the society in its **Annual General meeting transferred the Share Certificate of the said flat in the name of the Appellant.**
- (v) The Respondents No. 2, 3, 4 & 5 challenged the said transfer before the Dy. Registrar Co-op. Housing Societies (Appeal No.14/2022) on 11/11/2022, who rejected their claim for allotment of joint membership by Order dated 27/09/2023. The said Order was final as it was not challenged. *[Note: The Respondent 2,3, 4 & 5 have filed a Letter of Administration before the High Court since the change of name was already done by the Registrar office.]*
- (vi) The Respondent No. 2,3,4 & 5 further filed Suit No. 712 of 2024 before the City Civil Court at Mumbai for injunction, restraining the Appellant from creating third party rights in the above flat. The Respondents filed a Notice of Motion for an Ad-interim order which was rejected by the Civil Court on 30/04/2024, as they failed to make out a prime-facie case before the Court. Ultimately the Respondents withdrew the said Suit on 27/07/2024.
- (vii) Afterwards, the Respondent No. 2, 3, 4 & 5 filed an Objection letter with BEST Undertaking dated 01/04/2024 raising a complaint towards the said change of



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name. The Appellant reiterated that his sister and other brothers' have corresponded with various authorities of the Society, BEST, Asst. Registrar of Housing society etc. but these are meaningless, as his mother had given 100 % share to him.


- (viii) The Respondent No. 2 to 5 approached the Forum on 18-07-2024, which allowed their grievance application. The Forum failed to consider the preliminary objection that the present complaint was filed on 01/04/2024 which is beyond limitation as enumerated in Regulation 7.9 (c) of CGRF & EO Regulations 2020, which clearly states that the Forum shall reject any grievance which has been submitted two (2) years after the date on which the cause of action has arisen. Admittedly, the change in name in favour of the Appellant came in force on 06/05/2019 while the present complaint is filed on 01/04/2024 i.e. after 5 years of the cause of action. [Note : The order of AAO CCGN of BEST was dated 26.06.2024, against which Respondent no. 2 to 5 filed their grievance with the Forum on 18.07.2024 which is well within time]. The Forum failed to consider that the Respondents No. 2, 3, 4 & 5 after failure in various Forums and Courts, filed this Objection letter, which is purely an afterthought to grab the property, which is in a prime location of Dadar, and which was duly transferred to the Appellant by his mother.
- (ix) The Forum ought not to have passed its Order inspite of knowing that a Testamentary Petition No. 2687 of 2024 was pending before the Hon'ble High Court at Bombay for Letter of Administration of the property of Late Smt. Pritilata Madhukar Borkar. The Forum ought not to have made any adverse inference when the matter relating to the said Flat is sub judice before the Hon'ble High Court. The Order passed by the Forum is against the facts, law and the documents on record. The Appellants pray that the order of the Forum be set aside and to retain the change of name in favour of the Appellant.

5. The Respondent No. 2,3,4 & 5 submitted their common reply on 28th November 2024. Their submissions and arguments are stated as below: -


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- (i) Late Smt. Pritilata Madhukar Borkar is the owner of Flat No. A-102 of the said society with its legal ownership documents still standing in her name. She passed away on 21.06.2013. During her lifetime she did not prepare any Will nor any Gift Deed, nor did she transfer her rights to any of her legal heirs nor did she nominate any one as her legal heir. There are 5 legal heirs of Smt. Pritilata Madhukar Borkar including 1 daughter and 4 sons which are tabulated in Table 1.
- (ii) The Appellant submitted his alleged nomination form to the Society for transfer of the said flat in his name after 9 years from the death of their mother, i.e. on 30.07.2021, without the knowledge and consent of the other legal heirs. This is an invalid nomination, which was not signed by the society's Secretary, Chairman and is without a date. The application form is also not in the prescribed format of the Housing Federation Nomination Form. This nomination form shows Staney Fernandes Wadi as a proposed society, mentioning that Smt. Pritilata Borkar is staying at Plot No. 746, Staney Fernandes Wadi CHS, Proposed Society, whereas the Flat No. A-102 in this society was a ready flat allotted to her on 27.11.2009 by MCGM.
- (iii) The Appellant's say that their mother Smt. Pritilata M. Borkar nominated him for the said flat on 20.03.2010 is totally false, as this is the date when the Staney Fernandes Wadi Society allotted membership to their mother. The same date 20.03.2010 cannot be reflected in the Nominee Form which was undated. In addition, there were two nominations (Ulhas & his wife) in the alleged nomination form. The Appellant said that 100% share is given to him, then why was the name of his wife Smt. Uma Ulhas Borkar mentioned there without mentioning percentage. If 100% share was going to the Appellant, then why did he submit his nomination form to the society 9 years after the death of their mother? Also, for the sake of argument, it is to be noted that a **nominee is a trustee and not the owner of a premises**.
- (iv) The Appellant said that Annual General Meeting of the Society was conducted on 27.02.2022 for transfer of share certificate in his name, which was done on


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08.03.2022 without any legal documents. How can the society transferred the said flat in the name of the Appellant when the letter enclosed by him is not for Annual General Meeting but for “Sanchalak Mandal Baithak” on 27.02.2022, and also not on the society’s letter head.


- (v) Procedure Order No. 236 dated 03.05.2017 of BEST Undertaking
- is based on proof of ownership of premises – Appellant does not have ownership proof of the said flat.
 - While applying for transfer of electric connection in his name, the maintenance bill / receipt of the society should be in the name of the applicant.
- (vi) As per Regulation 10 of the Electricity Supply Code Regulations 2005, an application for change of name bears the condition that in case of death, NOC of legal heir/s is required for change in name. The Appellant had hidden the information of legal heirs from BEST Authority with the bad intention to grab the property.
- (vii) The Appellant is misguiding the authority saying that a case is pending in various courts and various forums for ownership of the flat. No case is pending in any court or Forum except that the Letter of Administration has been filed in High Court after the order of Dy. Registrar, Cooperative Society.
- (viii) The Dy. Registrar Co-op. Housing Society has not rejected their application. He said that the society has already transferred the said flat in the name of the Appellant, hence the other legal heirs can go for a letter of Administration, and then apply for society’s membership. Hence, his order was not challenged and accordingly we have applied for Letter of Administration in the Hon’ble High Court.
- (ix) The Respondent No. 2 to 5 filed a complaint in the Forum on 01.04.2024 which is not beyond limitation of 2 years.
- (x) The Appellant was trying to sell out their mother’s flat, which made the other legal heirs file Suit No. 712 of 2024 before the City Civil Court, Mumbai so as not to


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create third party rights in the said flat. But this case could not be put up properly before the court and court fees was not paid. Meantime, the Respondent 2,3,4 & 5 applied for letter of Administration on 10.04.2024 before the Hon'ble High Court and hence we applied to withdraw the said suit. Accordingly, the City Civil Court transferred their case to the Hon'ble Court 62 Addl. Sessions Judge on 27.07.2024. The said Court then ordered that permission to withdraw the suit is granted with liberty to file further proceedings on a fresh cause of action.

- (xi) Through R.T.I. it has come to be known that in the Indemnity Bond and documents submitted by the Appellant, false information was given to BEST Undertaking, hiding the other 4 (four) legal heirs of Pritilata M. Borkar. **He submitted blank consent forms along with his change of name application form, and he marked a tick mark as if he submitted legal heirs' consent. This blank consent forms were accepted by BEST Undertaking blindly.**
- (xii) An N.O.C. of the Society is issued to a person who is a member of that society, and not to a person who is staying in the room / flat. Till date the owner is their mother, and the Appellant is staying in that room. So, the NOC of the society is not valid.
- (xiii) Procedure order 236 enclosed by Respondent No.1, clearly mentioned that the society's NOC is necessary with stamp seal and signature, accompanied with Conveyance Deed and /or Transfer Deed from the developer. Here the Appellant has failed to produce the same, as he is not a member of the society and owner of the said flat.
- (xiv) As per procedure order 236 Sr. No.4, it is clearly mentioned that the latest maintenance bill of the society is to be submitted in the applicant's name only. Here the Appellant has submitted the maintenance bill of their mother Smt. Pritilata Borkar. Accordingly, this procedure Order 236 Sr. No.4 is not fulfilled. Even then the Respondent No.1 blindly accepted the change of name form, and stated that the Applicant had fulfilled procedure order 236. Respondent No.1 transferred the name illegally in the name of the Appellant.


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- (xv) Though the Appellant applied for change of name in June 2019 i.e. after 6 years, he again applied for a new meter in the year October 2021 by depositing fresh security deposit in place of their mother's meter. Why did he wait to transfer the share certificate in his name till 08.03.2022, after 9 years?
- (xvi) He has cheated the Respondents 2,3,4 & 5 and BEST Undertaking, and he is liable for punishment as per Indemnity Bond given by him, saying that in case of fake representation on his part or any fraudulent documents submitted by him, he shall be solely and exclusively responsible for the criminal proceedings or any court proceedings initiated against him.
- (xvii) In case of any dispute or any objection raised by any other person on account of the change in name of the above connection, BEST Undertaking reserve the right to re-transfer the connection in the name of the original registered consumer. However, Respondent No.1 did nothing but maintain status quo forcing the Respondents 2,3,4 & 5 to approach the Forum. The Forum ordered that the above electric meter be reverted to their mother's name. Again, the Respondent 2,3,4 & 5 paid fresh security deposit to revert the connection to their mother's name.
- (xviii) It is requested to keep the electric meter in the name of their mother Smt. Pritilata Madhukar Borkar till they receive the letter of Administration.

Analysis and Ruling

6. Heard the parties and perused the documents on record. Smt. Pritilata Madhukar Borkar was the original consumer and the events following are already mentioned in the Preamble above. The issue involved is the change of name made by the Respondent No. 1 based on documents submitted by the Appellant, and the objection taken by the other legal heirs who filed a grievance with the Forum. The Forum ordered to revert the name to the original consumer with the following observation at para 6.6 in its order:

" Having considered the rival submissions of the parties, the Forum come to the conclusion that neither the complainant nor the respondent no.2 (Ulhas M. Borkar


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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."

7. The Appellant contended that he is staying at this premises from 27/11/2009 with his wife. He is a physically handicapped person. He and his wife were entirely taking care of his mother. His mother was a member in the Staney Fernandis Wadi CHSL from 20/03/2010 and she had filed a nomination form on 20/03/2010 by which she gave 100% share to her son Ulhas in respect of the above flat. The Society issued the required NOC on 14/10/2018 for transfer of electric connection to his name. The Respondent No.1 rightly changed to the Appellant's name.

8. On the other hand, the Respondents 2 to 5 contended that their mother did not prepare any Will or Gift Deed. There are 5 legal heirs of Smt. Pritilata Borkar including 1 daughter and 4 sons which is tabulated in Table 1. The nomination is not in the prescribed format and is questionable. It is notable that a nominee is a trustee and not the owner of a premises. In this case, the Appellant has cheated and hidden the name of the other legal heirs when applying for change of name and for the membership of the ancestral flat of the society. The case is not time barred as the Respondents were not aware of this illegal transfer of name during the Covid pandemic.

9. We find that there are allegations and counter allegations by both the parties, multiple arguments on various points, and contradictory documents submitted by both the parties to justify their rival claims in the said property. It is beyond the jurisdiction of this authority to determine the validity or legality of these documents, such as the nomination form, consent forms, transfer of share certificate etc. The parties are at liberty to adjudicate their respective rights in the said property by approaching the competent Civil Court. This is clearly a civil


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dispute. The Respondents (2 to 5) have already filed a Letter of Administration in the High Court.

10. The Regulation 19.22 of CGRF & EO Regulations 2020 provides as below: -

“19.22 The Electricity Ombudsman shall entertain a representation only if all the following conditions are satisfied:

(g) The representation by the Complainant, in respect of the same Grievance, is not pending in any proceedings before any court, tribunal or arbitrator or any other authority, or a decree or award or a final order has not already been passed by any such court, tribunal, arbitrator or authority;”

11. The Regulation 19.25 of CGRF & EO Regulations 2020 provides that:

“19.25 The Electricity Ombudsman may reject the representation at any stage, if it appears to him that the representation is:


(a) frivolous, vexatious, malafide;


(b) without any sufficient cause;

(c) there is no prima facie loss or damage or inconvenience caused to the Complainant:

Provided that the decision of the Electricity Ombudsman in this regard shall be final and binding on the consumer and the Distribution Licensee: Provided further that no representation shall be rejected in respect of sub clauses (a), (b), and (c) unless the Complainant has been given an opportunity of being heard.”

12. The Maharashtra Electricity Regulatory Commission issued a Practice Direction dated 26.12.2023 in its Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021 which is reproduced as below:


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



“Practice Direction: a..... ..”

b. Distribution Licensee shall add following statement in electricity bill:

“This bill for power supply cannot be treated or utilized as proof that the premise for which the power supply has been granted is an authorized structure nor would the issuance of the bill amount to proof of ownership of the premises.”

13. There is no prima facie loss, damage or inconvenience caused to the Appellant by the Forum’s order as the Appellant’s electric supply continues uninterrupted. The case is in complex in nature and has a civil angle. In the circumstances, the parties are at liberty to approach the concerned civil jurisdiction to decide their claims. We find that the Forum’s order is a well-reasoned one.

14. The Representation of the Appellant is rejected and disposed of accordingly.

Sd/
(Vandana Krishna)
Electricity Ombudsman (Mumbai)

(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

