

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 44 OF 2023

In the matter of Change of Name

Santosh Suresh Harawade Appellant

V/s.

Brihanmumbai Electric Supply & Transport Undertaking (F/N Ward) ... Respondent 1
(BEST Undertaking)

Smt.Urmila Chandrakant Patil Respondent 2

Smt.Prachi Prakash Patil Respondent 3

Smt. Saili Ganesh Khamkar Respondent 4

Smt.Varsha Sangram Khande Respondent 5

Appearances:

Appellant : Santosh Suresh Harawade

Respondent 1: 1.Smt. A.J.Karbhari, AAM CC (Statistics), BEST Undertaking
2. Smt. S.A.Gosavi, AA CC (F/N), BEST Undertaking

Respondent 2: Smt.Urmila Chandrakant Patil

Respondent 3: Smt.Prachi Prakash Patil

Respondent 4: Smt. Saili Ganesh Khamkar

Respondent 5: Smt.Varsha Sangram Khande


Coram: Vandana Krishna [IAS (Retd.)]

Date of hearing: 22nd June 2023

Date of Order : 6th July 2023

ORDER

This Representation was filed on 11th April 2023 under Regulation 19.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020) against the order dated 27th March 2023 passed by the Consumer Grievance Redressal Forum, BEST Undertaking (the


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Forum). The Forum, has allowed the grievance application in Case No. FN-475-2023. The operative part of the order is as below:-

- “a. The Respondent no. (1) Is hereby directed to revert back the consumer name from the name of Respondent No. 2 to the name of Smt. Sunanda Harawade in respect of a/c no. 793-725-087 (old) and 793-725-097 (New), 2) 793-725-084 (old) and 793-725-098 (New).*
- b. The Respondent no. (1) is also directed to revert back the consumer name from the name of Respondent No. 2 to the earlier account holder namely Late Suresh Harawade in respect of 793-725-040 (old) and 793-725-088 (New).”*

2. Preamble :

Late Suresh Ganpat Harawade, who expired on 12.06.2013 (Family Head- Karta) and Smt. Sunanda Suresh Harawade (housewife) have five children, whose names are tabulated below:

Table 1:

Name of Children	Relation	Details in Rep. 44 of 2023	Remarks
Santosh Suresh Harawade	Son	Appellant	Married
Smt. Urmila Chandrakant Patil	Daughter	Respondent No. 2	Married
Smt. Prachi Prakash Patil	Daughter	Respondent No. 3	Married
Smt. Saili Ganesh Khamkar	Daughter	Respondent No. 4	Married
Smt. Varsha Sangram Khande	Daughter	Respondent No. 5	Married

There are three electric connections, one for their residential house and two others for their shops. Santosh Suresh Harawade, son of late Suresh Ganpat Harawade, had got these three connections changed in his own name without the consent of his sisters. The details of connections, change of name, etc., are tabulated below:



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Table 2:

Name in the Bill(Old)	Old Cons. No.	Name in the bill(new)	New Cons. No.	Tariff Category	Address in the Bill (New & Old)	Date of change of name
Sunanda Suresh Harawade	793-725-087	Santosh Suresh Harawade	793-725-097	Residential	27 1/2, Floor-GRD, Ganesh Nagar, Wadala Truck Terminal Road, Barkat Ali Durgah, Antop Hill, Mumbai - 400037	07.12.2019
Sunanda Hosiary Retail(Sunanda Suresh Harawade)	793-725-084	Santosh Suresh Harawade	793-725-098	Commercial	27 /4, Floor- GRD, Ganesh Nagar, Wadala Truck Terminal Road, Antop Hill, Mumbai - 400037	07.12.2019
Suresh Ganapat Harwade	793-725-040	Santosh Suresh Harawade	793-725-088	Commercial	27-1, Floor- GRD, Ganesh Nagar, Wadala Truck Terminal Road, Antop Hill, Mumbai - 400037	19.12.2017

3. The Appellant (Santosh Suresh Harawade) has filed this Representation against above order passed by the Forum and has prayed to restore his name in the three connections. The physical hearing was held on 22nd June 2023. All parties were heard at length. The submissions and arguments of the Appellant are as below:-


(i) The Appellant had applied for change of name of the three electricity connections to his name on the strength of the NOC of his mother Smt. Sunanda Suresh Harawade as is tabulated in Para 3 Table 2. The Appellant submitted the basic documents to the Respondent No. 1 for change of name as shown below:

- No Objection Certificate (NOC) of the previous consumer 'Sunanda Hosiery Retail (Sunanda Suresh Harawade)' dt.04.12.2019, with her thumb impression duly verified by the Bank.
- Shops & Establishment Renewal Certificate of 'Sunanda Hosiery Retail' employed by 'Sunanda Suresh Harawade' for the period 28.08.2015 to 27.08.2016 at the address '27/4, Ground Floor, Ganesh Nagar, Wadala Truck Terminal Road, Salt Pan Road, Antop Hill, Mumbai 400037'.


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- Shops & Establishment Certificate of the same premises issued in the name of 'Santosh Hosiery Retail' employed by 'Santosh Suresh Harawade' dt.06.12.2019.
 - His ID proof of the address of old consumer account no.793-725-087 (in the name of Sunanda Suresh Harawade) and new 793-725-097 (in the name of Santosh Suresh Harawade) i.e., Ganesh Nagar Room No.27, 1/2, S.P.Road, near Ganesh Mandir, Wadala, Antop Hill, Mumbai – 400037.
 - ID proof of 'Sunanda Suresh Harawade' of the same address as that of consumer account no.793-725-087 (old) and 793-725-097 (new) as mentioned above.
 - Receipt of Shops & Establishment dt.18.12.2017 towards the Processing Fee for E-application to change of name of the employer of 'Santosh General Stores' from 'Suresh Ganapat Harawade' to 'Santosh Suresh Harawade'.
 - Death Certificate of Late Suresh Ganapat Harawade, Date of Death – 12.06.2013.
 - Indemnity Bond dt.14.12.2017.
- (ii) These documents are sufficient for effecting the change of name. Hence, the Respondent No. 1 had correctly done the change of name of the three connections.
- (iii) The Respondent No. 3 & 4 have raised an objection with Respondent No. 1 on 12.12.2019 for this change of name. The Respondent No. 1 heard the parties separately. His mother (Smt. Sunanda Suresh Harawade) clearly stated that she has given independent contributions equivalent to their share in the property to all her daughters, hence they have no right in the property at present. She stays with her son (Appellant), and he is taking proper care of her. She also clarified that the Appellant is in settled possession of these three properties where change of names was applied. The Respondent No. 1 issued an order on 09.01.2020 and rejected their objections, and the connections was kept in the Appellant's name. The Respondent No.1 rightly analysed the case and has taken a proper decision in the matter.
- (iv) The Respondent No. 4 (Smt. Sailee G.Khamkar) and Respondent No.3 (Smt. Prachi P. Patil) approached the Forum on 10.01.2023 for reverting the names of the three


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consumer accounts. The Forum, by its order dated 27.03.2023 has allowed the grievance application and directed to revert the connections to the original name. The Forum failed to understand that the Appellant is in settled possession of the said three properties and is entitled to change the name in all three connections.

- (v) The Appellant prays that the Respondent No. 1 be directed to keep these three connections in his name.

4. The Respondent No. 1 (BEST Undertaking) by its letter dated 10.05.2023 submitted its written reply. The written submissions along with its arguments are stated in brief as below: -

1.0 The Appellant, Santosh Suresh Harawade has requested for restoration of his name on the electricity bills of consumer account nos. 793-725-097, 793-725-098 and 793-725-088, which, were reverted in the name of the respective previous registered consumers (i.e., the Appellant's parents) as per the Order of the Forum dated 09.03.2023 as shown below:

1. 793-725-087 (Old) in the name of Sunanda Suresh Harawade
793-725-097 (New) in the name of Santosh Suresh Harawade since 07.12.2019
793-725-097 (New) in the name of Sunanda Suresh Harawade since 03.04.2023 (as per CGRF Order)
2. 793-725-084 (Old) in the name of Sunanda Hosiery Retail (Sunanda Suresh Harawade)
793-725-098 (New) in the name of Santosh Suresh Harawade since 07.12.2019
793-725-098 (New) in the name of Sunanda Hosiery Retail (Sunanda Suresh Harawade) since 03.04.2023 (as per CGRF Order).



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3. 793-725-040 (Old) in the name of Suresh Ganapat Harawade
793-725-088 (New) in the name of Santosh Suresh Harawade since 19.12.2017
793-725-088 (New) in the name of Suresh Ganapat Harawade since 03.04.2023 (as per CGRF Order)
Currently all three connections are live, and the bills are regularly paid.

2.0 **Case History :**

- 2.1 At the time of getting the name on the electricity bill of the old consumer account number 793-725-087 (Residential Tariff) changed in his favour on 07.12.2019, the Appellant had submitted copies of documents which are indicated in Para 3(i).
- 2.2 On 12.12.2019, Smt.Sunanda Suresh Harawade submitted a letter requesting to restrain from any change of name on the electricity bill of her consumer account no. 793-725-087, as her son 'Santosh Suresh Harawade' had prepared a duplicate ration card of her residing premises. However, it was noticed that the name on the electricity bill of her consumer account no. 793-725-087 had already been changed on 07.12.2019 to 'Santosh Suresh Harawade' and a new consumer account no.793-725-097 was given to him. Hence, Smt. Sunanda Harawade was requested to raise an official dispute.
- 2.3 A hearing was held on 09.01.2020 where both Shri.Santosh Suresh Harawade and Smt.Sunanda Suresh Harawade were present. However, since the complainant was the consumer herself, only she was permitted to attend the hearing.
- 2.4 During the hearing, Sunanda Suresh Harawade said that she could not write but could read a little bit, and she had put her thumb impression on her said complaint letter dated.12.12.2019. As Smt. Sunanda Suresh Harawade did not take any firm stand regarding her objection for change in the electricity bill of


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her consumer account no.793-725-087 in favour of Shri. Santosh Harawade, a decision was taken to maintain the status-quo i.e. not to revert the name on the electricity bill of consumer account no.793-725-087 to the name of the previous consumer i.e. 'Sunanda Suresh Harawade'.

3.0 Complaint to the Forum:

3.1 Not satisfied with the remedy provided by the Respondent No. 1 for consumer account no. 793-725-087 (old), the Respondent No. 4 (Smt. Sailee G.Khamkar) and Respondent No.3 (Smt. Prachi P. Patil), both sisters of the Appellant, approached the Forum on 10.01.2023 for reverting the names of all three consumer accounts back to the previous registered consumers, as their brother, Shri.Santosh Suresh Harawade had transferred these three consumer accounts in his name without their consent.


3.2 The Forum, by its order dated 27.03.2023 has allowed the grievance application in Case No. FN-475-2023. The operative part of the order is captured in Para 1.

3.3 The Forum observed that the family tree submitted by the Appellant was not correct. The change of name was done with malafide intention without taking NOC from his sisters and directed to revert to the original names.

3.4 Accordingly, on 03.04.2023, name on the electricity bills of above three new consumer accounts was reverted back to the name of respective previous registered consumers.

5. The Respondent No. 2,3,4 & 5, the sisters of the Appellant, by their letter dated 28.04.2023 submitted their common written reply. The written submission along with their arguments are stated in brief as below: -

- (i) The Respondent No. 2,3,4 & 5 have stated their sibling details along with the details of change of name which are captured in Para 3.



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The Appellant applied for change of name without the knowledge and NOC of Respondent No. 2,3,4 & 5 despite being his real sisters. The Respondent No. 1 has sanctioned the change of name on the strength of their mother's letter and family tree submitted by the Appellant. It was confirmed that the Appellant has submitted a wrong family tree, without mentioning the names of his sisters, with malafide intention.

- (ii) When this came to the notice of the Respondent No. 3 & 4, they took a strong objection by their letters dated 12.12.2019 and requested to give an opportunity for expressing their views in the matter. They argued that their mother is not mentally fit, is totally dependent on their brother and is not capable of expressing her independent views, and hence her thumb impression on the statement written by the Appellant was not valid, and hence it should not be considered.
- (iii) The Respondent No.1 had kept the hearing on 09.01.2020. However, the Respondent No. 1 did not allow Respondent No. 3 and 4 to participate in the hearing. They were sitting outside while their mother was being heard. The Respondent No. 1 issued the order on 09.01.2020 and rejected their objections, and the change of name was kept as it is in the Appellant's name.
- (iv) Not satisfied with the decision of Respondent No.1, Respondent No. 3 and 4 filed their grievance before the Forum on 10.01.2023. The Forum, by its order dated 27.03.2023 has rightly allowed the grievance application. The operative part of the order is captured in Para 1.
- (v) The Respondent No. 2,3,4 & 5 stated that their mother Smt. Sunanda Suresh Harawade aged 70 years is suffering from age related illness of brain atrophy resulting in mental disorder. The medical reports dated 13.12.2019 and 26.12.2019 of Grant Govt. Medical College & Sir JJ Group of Hospitals are on record which clearly observed that she is suffering from age related illness of brain atrophy or mental disorder.
- (vi) The correct family tree is submitted below:

Table 3:-


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		Family Tree			
		Late Suresh Ganapat Harawade	Father		
		Smt. Sunanda Suresh Harawade	Mother		
Name of Children	Smt.Urmila Chandrakant Patil	Smt.Prachi Prakash Patil	Smt. Saili Ganesh Khamkar	Smt.Varsha Sangram Khande	Santosh Suresh Harawade
Relation	Daughter(married)	Daughter(married)	Daughter(married)	Daughter(married)	Son

However, the Appellant submitted a wrong family tree without mentioning his sisters' names. The Appellant did not approach with clean hands. The Respondents 2 to 5 expressed their concern during the hearing that their mother's rights might be adversely affected if her name is deleted.

- (vii) In view of the above, the Respondent No. 2,3,4&5 pray that the Representation of the Appellant be rejected.

Analysis and Ruling:

6. Heard the parties and perused the documents on record. The Appellant (Santosh Harawade) is residing at 27 1/2, Floor-GRD, Ganesh Nagar, Wadala Truck Terminal Road, Barkat Ali Durgah, Antop Hill, Mumbai - 400037. His family tree is shown in Para 5 (vi). His father Suresh Ganpat Harawade who was the Family Head expired on 12.06.2013, and his mother, Smt. Sunanda Suresh Harawade (housewife) aged about 70 years resides with him. Late Suresh Ganpat Harawade and his spouse Sunanda Suresh Harawade have five children, consisting of one son and four daughters. There are three electric connections, whose details are tabulated below:


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Name in the Bill	Consumer No.	Tariff	Address in the Bill
Sunanda Suresh Harawade	793-725-087	Residential	27 1/2, Floor-GRD, Ganesh Nagar, Wadala Truck Terminal Road, Barkat Ali Durgah, Antop Hill, Mumbai - 400037
Sunanda Hosiary Retail(Sunanda Suresh Harawade)	793-725-084	Commercial	27 /4, Floor- GRD, Ganesh Nagar, Wadala Truck Terminal Road, Antop Hill, Mumbai - 400037
Suresh Ganapat Harwade	793-725-040	Commercial	27-1, Floor- GRD, Ganesh Nagar, Wadala Truck Terminal Road, Antop Hill, Mumbai - 400037


These three connections were changed to the Appellant's name by submitting various documents. His sisters have taken an objection to this change of name, and requested to restore the electric connections in the original name of their father and mother. The main ground of their objection is that the Appellant has not come with clean hands, has hidden the complete family tree, and has not taken their NOC. They have concerns for their mother's rights, as she is mentally and physically dependent on the Appellant, who might take advantage of her situation. These sisters approached the Forum on 10.01.2023. The Forum, by its order dated 27.03.2023 has allowed their grievance application. The operative part of the order is captured in Para 1. The Appellant has filed this representation and requested to set aside the Forum's order dated 27.03.2023 which has already been executed by the Respondent No. 1, BEST Undertaking. He has requested to restore his name on the three bills of Consumer No. 793-725-087, 793-725-084 and 793-725-040.

7. Considering the various submissions and arguments, the following issue is framed :

Issue: Whether the Appellant is entitled to change the name of these three connections in his own name again against the order of the Forum 10.01.2023?

ANSWER: NEGATIVE.

We record the following reasons for these findings.


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It is not disputed that there were these three connections in the name of the Appellant's father and mother. This family consists of five children, one son (Appellant) and four married daughters. All these connections are in the physical possession of the Appellant after the death of his father. Also, the married daughters left the house sequentially. His father Suresh Ganpat Harawade expired on 12.06.2013 (Family Head- Karta), and Smt. Sunanda Suresh Harawade (housewife) has become Trustee /Nominee of these properties. Currently she is dependent on and living with her son, the Appellant.

8. The Appellant has submitted an Indemnity Bond and Family Tree along with other documents for change of name of these three connections.


The Family Tree submitted by the Appellant is reproduced below:

Family Tree	
↓	
Late Suresh Ganapat Harawade	Father
Smt. Sunanda Suresh Harawade	Mother
↓	
Santosh Suresh Harawade	Self, Applicant

This is obviously an incomplete and misleading document. The Appellant hid the information of his sisters with ill will. Such behaviour is not expected from the Appellant. The Appellant has given an Indemnity Bond with a declaration that

“In case of any fraudulent documents submitted by me, I shall be solely and exclusively responsible for the criminal proceeding or any court proceeding initiated and BEST Undertaking & any employee thereof shall not be responsible for the same.”,

He has deliberately hidden the existence of his sisters, whatever may or may not be their rights in the property. Currently all the connections are live, and he is enjoying power supply. Continuing the connections in the previous names is not affecting this power supply or causing


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any loss, damage, or inconvenience to the Appellant. Nor will the change of name in favour of the Appellant bring him any further apparent benefit in terms of enjoying power supply.

From the above discussion and documents on record, it is crystal clear that the Appellant has not come with clean hands before this Authority. Hence, the representation of the Appellant deserves to be rejected in view of Regulation 19.25 of CGRF & EO Regulations 2020 which is reproduced below:

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

(a) frivolous, vexatious, mala fide


(b) without any sufficient cause;

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

The Representation, therefore, stands rejected.

9. The Forum's order is upheld. The Representation is disposed of accordingly.

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


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

