

**BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)**

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

REPRESENTATION NO. 99 of 2020

In the matter of Change of Name

Shabana alias Shabeena Mohd. Shaikh..... Appellant

V/s.

Brihanmumbai Electric Supply & Transport Undertaking ('B' Ward).... Respondent No. 1  
(BEST Undertaking)

Suhail M. Shaikh ..... Respondent No. 2

Sarfaraz M. Shaikh..... Respondent No. 3

Hamida Shaikh..... Respondent No. 4

Appearances

For Appellant : Shabana alias Shabeena Mohd. Shaikh

For Respondent No. 1 : Dilip S. Bodke, AAM, 'B' Ward

Respondent No. 2 : Suhail Shaikh

Respondent No. 3 : Suhail Shaikh, Representative

Respondent No. 4 : Hamida Shaikh

**Coram: Mr. Deepak Lad**

Date of hearing: 8<sup>th</sup> February 2021

Date of Order: 10<sup>th</sup> February 2021

ORDER

This Representation is filed on 9<sup>th</sup> December 2020 under Regulation 17.2 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (CGRF Regulations 2006) against the order dated 5<sup>th</sup> November 2020 passed by the Consumer Grievance Redressal Forum, BEST Undertaking (the Forum).

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



2. The Forum, by its order dated 05.11.2020 has dismissed the grievance No. S-B-410-2020.

3. Aggrieved by the order of the Forum, the Appellant filed this representation stating in brief as below: -

- (i) The Appellant is the legal and lawful tenant of Room No. 12/A, 4<sup>th</sup> floor, C Block, Khan Building, Dockyard Road, Mazgaon, Mumbai – 400 010. Her father had bought the said premises in the year 1990 solely in her name. Her real brother, Mr. Sarfaraz Mehmood Shaikh forged her signature and transferred room rent receipt as well as the electricity bill for Consumer A/c. No.868-612-015\*5 in his name illegally, unlawfully, fraudulently with dishonest intentions. The electric connection was in her name as could be seen from the electricity bill.
- (ii) After the death of her father, all the documents are in the custody of her mother Hamida Mehmood Shaikh and brothers Sarfaraz M. Shaikh, Suhail M. Shaikh and Mudassar M. Shaikh.
- (iii) The Appellant got married with Khursheed Alam Mohammad Mukhtarul Haque on 28.01.2003 as per Muslim rights and rituals and now residing with her husband.
- (iv) The Appellant's mother and brothers promised that they will stay in her house and pay the electricity bill, the rent, maintain it well and take good care of it. Mr. Sarfaraz M. Shaikh stabbed behind the Appellant by forging her signature on the NOC for change of name on the electricity bill as well as the tenancy rights. Forging the NOC by her real brother came to be known from the documents obtained through RTI from the Respondent No.1, BEST Undertaking on 14.08.2017.
- (v) The landlord Mr. Hari Amurli Bhatia / Mr. Anil H. Bhatia and the Appellant's brother Sarfaraz Shaikh together unlawfully / illegally / fraudulently transferred the tenancy in Sarfaraz Shaikh's name. The Appellant had sent notice to the landlord but no response since then.

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



- (vi) The Appellant also mentioned that her signature was also forged in various other properties besides the disputed one.
- (vii) Mr. Sarfaraz Shaikh also forged the ration card by putting his name on it as main holder in 2006.
- (viii) The Appellant filed complaint in the Byculla Police Station on 14.09.2019 and in J.J. Marg Police Station on 19.12.2019 for the Criminal Breach of Trust (405, 406), Cheating (420), Dishonest or Fraudulent Execution of Deed of Transfer (423), Mischief (425, 426), Forgery (463), Making False Document (464) Forgery Valuable Security will etc. (467), Forged (document of Electronic Record) (471), having possession of Document described in Section 466 or 467 knowing it to be forged and intending to use it as genuine (474).
- (ix) The Appellant complained to the Respondent on 30.09.2019 however, the Respondent did not take corrective action. Hence, the Appellant filed the complaint in C Form on 20.11.2019 with the Internal Grievance Redressal Cell (IGRC) for taking objection for change of name. However, the IGRC, by its letter dated 14.01.2020 has rejected the complaint. The Appellant approached the Forum on 10.09.2020 for illegally transferring name on the electricity bill by forging NOC submitted for the transfer.
- (x) The Forum, by its order dated 05.11.2020 has dismissed the grievance No. S-B-410-2020. This order is not based on facts and records of the case.
- The Appellant has mentioned that all the documents pertaining to her property before her marriage and after marriage are in the custody of her mother and brothers, but it is not mentioned in the order.
  - The Appellant mentioned the year of her marriage as 2003 but in the order, it is mentioned as 2009 which is incorrect.
  - The property was purchased solely in her name Shabana Shaikh hence it is incorrectly mentioned as ancestral property in the order.
  - In front of the Forum, Mr. Suhail Shaikh has clearly mentioned that before 1999, the said Room No. 12/A, 4<sup>th</sup> floor, C Block, Khan Building, Dockyard Road, Mazgaon, Mumbai – 400 010 was solely in the name of the Appellant which is not noted in the order.

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



- The Forum asked a question to Mr. Suhail Shaikh that when he says that the tenancy was transferred in the name of Mr. Sarfaraz Shaikh in 1999 then while transferring the electricity bill in 2011 why he needed the NOC of Mrs. Shabana @ Shabeena Mohd. Shaikh and he was not able to answer that question. This is not included in the order.
  - Mr. Kamath in the Forum has clearly mentioned that it is a criminal proceeding, and you need to approach the Court of Law, this is also not mentioned in the order.
- (xi) Therefore, it is prayed that proper and just order be given, and the Respondent be directed to transfer the electricity meter back to the Appellant's name as per the undertaking in affidavit submitted by Sarfaraz Shaikh to the Respondent, BEST Undertaking.

4. The Respondent BEST Undertaking has filed its reply dated 29.12.2020 stating as under: -

- (i) The Appellant in her representation has stated that her real brother, Mr. Sarfraz Mehmood Shaikh has forged her signature on NOC dated 03.03.2011 submitted by him for change of name for electricity bill bearing consumer A/c. No. 868-612-015\*5.
- (ii) Further, as per Section 2.9 of Terms and Conditions of Supply and Schedule of Charges,

*“the Undertaking shall neither be responsible nor liable to ascertain the legality or adequacy of any No Objection Certificates / Way leave permissions / Permission or consents of Statutory Authorities which might have been submitted by the Applicant/consumer along with his application and shall believe that such certificates / permissions to be sufficient and valid, unless proved to be contrary. In such cases, if documents are found to be fraudulent at later stage, consequences shall be borne by the consumer.”*

- (iii) Details of Case in brief of the electricity connection is as follows:

- |                               |                            |
|-------------------------------|----------------------------|
| (a) Name of Previous Consumer | : Shabana Shaikh Mohd.     |
| (b) Previous A/c No.          | : 868-612-015*5            |
| (c) Name of Current Consumer  | : Sarfaraz Mehmood Shaikh. |
| (d) Current A/c. No.          | : 868-612-002.             |

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



(Old A/c.868-612-015\*5)

(e) Power Supply & Billing Address : 4<sup>th</sup> Flr. No. 12/A Khan Bldg., C BLock.  
Nawab Tank Road, Mazgaon Road,  
Mumbai – 400 010.

(f) Year of implementation of Change of Name : 2011.

(iv) History of the case.

(a) The Respondent No.3, Shri Sarfaraz Mehmood Shaikh applied for change of name for electric Connection No. 868-612-015\*5 on 04.03.2011 along with required documents. The Respondent No.1 processed as per Maharashtra Electricity Regulatory Commission (Electricity Supply Code & Other Conditions of Supply) Regulation, 2005 (Supply Code Regulations) the case for change of name to the Respondent No.3.

(b) The Respondent No.1 received an application on 20.11.2019 from the Appellant (Shabana alias Shabeena Shaikh Mohd.) wherein she mentioned that, *“My real brother Mr.Sarfaraz Mehmood Shaikh forged my signature on NOC dated 03.03.2011 submitted by him for change of name for Electricity Bill bearing Consumer No. 868-612-015\*5 and transferred the Electric Meter in his name illegally.”*

(c) The Respondent No.1 informed vide letter dated 03.12.2019 to the Appellant and the Respondent No.3 to produce the concerned documents for change of name of electric connection at Room No. 12/A, 4<sup>th</sup> floor, Khan Building, “C” Block, Nawab Tank, Dockyard Road, Mumbai – 400 010.

(d) The Appellant had submitted following documents on 20.12.2019.

- Written submission explaining the background.
- Copy of complaint letter dated 30.09.2019 addressed to BEST Undertaking (along with copy of NOC)
- Copy of letter No. AECCB2/CH.-N/ESL-9/1114/2019 dated 14.11.2019 and copies of electricity bills.
- Copy of Undertaking on Bond Paper No. EB 68030 dated 25.03.2011 submitted by Mr. Sarfaraz M. Shaikh for change of name.

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



- Copy of two letters dated 14.09.2019 & 19.12.2019 respectively sent to the Senior Inspector of Police, Byculla Police Station and Sir, J.J. Marg Police Station respectively, Mumbai 400 009, by Mr. M.S. Ansari, Advocate, High Court on behalf of Shabana Shaikh Mohd.
- (e) On the other hand, the Respondent No.3 has submitted following documents through his representative Mr. Suhail Shaikh (Respondent No.2) on 18.12.2019.
- Copy of Rent Receipt No. 6178 dated 24.11.2019 for the month of Oct.2019.
  - Copy of Aadhar Card, Driving License, Election Card of Mr. Sarfaraz M. Shaikh.
- (f) On 9.01.2020 the Respondent No.3, Mr. Sarfaraz M Shaikh has further submitted following documents.
- Letter dated 08.01.2020 of Landlord Mr. Anil H. Bhatia, stating that Mr. Sarfaraz Mehmood Shaikh is his tenant of Room No. 12/A, Khan Building, C-Block, 4<sup>th</sup> floor, since August 1999 till date.
  - Rent Receipts pertain to year 2003, 2004, 2009, 2012, 2015, 2018 & 2019 in the name of Mr. Sarfaraz Mehmood Shaikh.
- (g) On receipt of the documents from the Appellant and her brother, the case was investigated and as per investigation report dated 19.12.2019 of In-charge Engineer of Customer Care 'B' Ward, the said room is occupied by Mr. Sarfaraz M. Shaikh & his family i.e. his mother, wife and son. However, Police Authority is investigating in the matter of allegation of submission of forged signature on NOC for change of name.
- (h) The Appellant filed compliant with IGRC on 20.11.2019 which rejected the complaint vide its order dated 14.01.2020. Then the Appellant filed complaint with the Forum 10.09.2020 which dismissed the case on the ground that it would not be able to examine the matter, leave alone opine on such contentious issues of ownership of the premises wherein the allegation of fraud has been made. In addition, it has declared the case as time barred.

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



- (v) In view of above submission, the Respondent No.1 prays that the representation of the Appellant may be rejected.

5. The Respondent No. 2 - Mr. Suhail M. Shaikh, Respondent No. 3 - Mr. Sarfaraz Shaikh, Respondent No. 4 -Mrs Hamida Shaikh, wife of Mehmood Shaikh, aged about 64 years, a retired senior citizen, all having address at C-4/12/A, Khan Building, Dockyard, Mumbai 400 010 have submitted their common written submission on 13.01.2021 stating in brief as under:

- (i) It is stated that the above appeal as framed and filed by the Appellant is completely misconceived and not tenable in the eyes of law. It is further submitted that the present Appeal is nothing but sheer abuse of law whereas the Appellant has made attempt to mislead and misguide the Appellate Authority by misrepresenting by stating twisted and cooked up facts which is not only false but also contrary to her own version which she has alleged in her alleged Complaint filed before the Learned Authority. It is pertinent to note, the Appellant has stated in her submission letter dated 19.12.2019 that the rent receipt of Room No. 12 A, 4th floor, Khan Building, Mazgaon, Mumbai 400 010 was in her name till the year 2011, whereas in the said submission it was further mentioned *“all of sudden in the year 2011 her name was malafidely / fraudulently/ illegally with dishonest intentions was removed from the rent receipt and my real elder brother Mr Sarfaraz M Shaikh illegally transfer the above mentioned room in his name and also the rent receipts and it was further mentioned since January 2011 onwards the rent receipts are coming in my real brother’s name i.e. Mr Sarfaraz M Shaikh”*. Whereas in reality Mr. Sarfaraz is a lawful tenant for the said room since the year 1999 and have already annexed the rent receipt along with the reply before the Learned Authority and therefore malafidely and purposely Appellant did not annex the reply and documents referred and relied by the Respondent 2 to 4 before the Learned Authority in the present Appeal and thus on this count also the Appeal filed by the Appellant requires to be rejected with heavy cost.

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



- (ii) It is further pertinent to note that the Appellant has never challenged the complete Order of the Learned Authority. The Appellant in the present appeal has challenged only few reasoning of the Court and not the entire order which itself make the present Appeal infructuous and not maintainable in the eyes of law. The order of the Forum is very clear. Appeal is barred by the limitation as per Regulation 6.6 of the CGRF Regulations, 2006 applicable at the given time which states as under:

7.0...

*(a) It is contention of the Complainant that though the meter was transferred in the year 2011 in the name of her brother, she became aware of the same only much later and this is the reason why she approached the Forum and IGRC in the year 2019. She admits that she first came to know of this transfer on 14.08.2017 when she received a reply to her RTI application made to the BEST Undertaking in which the Undertaking gave her a document purportedly signed by her, which consisted of a "No Objection" to the transfer of the said meter. It is noted that the first complaint regarding such transfer was made to the BEST in November 2019. The Regulation 6.6 of MERC (CGRF & EO), Regulations, 2006 and Regulation 7.8 of MERC (CGRF & EO), Regulations, 2020 state that any complaint by a consumer to any of the forums under the MERC Regulations is to be made within a period of 2 years from the date on which the cause of action arises. Admittedly the complainant states that in the intervening period she was trying for an amicable settlement of the dispute between herself and her brother. There is neither such explanation for the delay mentioned in the complaint, nor application for condonation of delay with any cogent reason is given for condonation of delay. In these circumstances the complaint, as filed is barred as per regulation 6.6 of the MERC Regulations, 2006 applicable at the given time."*

It is pertinent to note that the said ruling is completely unchallenged and have attained finality and therefore on this count also the Appeal filed by the Appellant requires to be rejected in lime line.

- (iii) Even the Forum while passing the Order have completely scrutinized all the documents and after applying judicial mind has passed the Order dated 10.11.2020 whereas in the said Order at Clause 7.0 (b) (ii) stated as under:

"7.0..

(a).....

(b)...

(i)...

*(ii) It is further seen that the application made by Shri Sarfaraz has a NOC attached – a photocopy of which is available on the file to us. On close scrutiny of the same it is seen that the signature on that document prima facie matches with the signature of the Complainant in the present Complaint. In such circumstances if it is the complaint of*

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



*the Complainant that this signature is forged then she should approach to an appropriate forum or court to establish the same and get the same scrutinized and appropriate action taken thereon.”*

- (iv) It is completely clear from the above Order and the reasoning therein, the entire complaint as framed and filed by the Appellant before the Redressal Forum is completely false, bogus and not maintainable and thus there is no mistake or alleged correction in the said Order and thus Appeal filed by the Appellant requires to be dismissed with cost.
- (v) It is pertinent to note that the Appellant has categorially stated both in the present Appeal as well as in the Complaint, false statements that they have addressed letter to the landlord and same is not replied at all. In fact, the Appellant has suppressed various vital documents and facts not only in the complaint before Redressal Forum but also in the present Appeal. Therefore, malafidely and purposely she has not annexed the reply of Respondent 2 to 4 and the compilation of documents which they have filed before the Learned Redressal Forum and same has been discussed and mentioned in the Order dated 10.11.2020 passed by the Learned Forum which is under challenged in the present Appeal. On this ground also Appeal filed by the Appellant requires to be dismissed with heavy compensatory cost.
- (vi) It is pertinent to note that the BEST has called upon the Appellant by notice no. CCB/IGRCCB/C-7-2019/ 43706/ 2019 dated 06.12.2019 to produce all the documentary proof in her possession to show that she is a tenant of the subject premises till date, whereas the Appellant has miserably failed to produce any document despite being called upon to produce the same. The conduct of the Appellant itself falsifies her alleged claim.
- (vii) It is pertinent to note that in Order dated 05.11.2020 more particularly at page 11 and 12 mainly clause 7 (b) (iv) is very clear that even on merits the Redressal Forum did not find any regulation in MERC which the BEST Undertaking did not follow and it is further stated in the said Order that BEST Undertaking has followed all the norms in transferring the electricity bill in the name of Sarfaraz M Shaikh. Therefore, on this count also the Appeal filled by the Appellant requires to be dismissed with heavy compensatory cost. The Learned Authority

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



is very clear that after complying with all the norms and procedure, the electricity meter is transferred in the name of Mr. Sarfaraz M. Shaikh and same is not challenged and thus have attained finality. Therefore, on this count also the appeal filed by the Appellant requires to be dismissed with heavy compensatory cost.

(viii) The Order dated 05.11.2020 is very clear in para 8 which states as under:

*8. In view of the above findings, where the Complaint is barred by the Limitation and even on merits the complainant does not have a reasonable case, we are left with no option but to dismiss the Complaint.*

The above portion of the Order is not at all challenged in the present Appeal and thus have attained finality. Neither the complaint before the Learned Redressal Forum nor in the present Appeal any explanation or defence what prevented the Appellant to file the present Appeal in time has not explained/ mentioned. Therefore, on this count also the Appeal filed by the Appellant requires to be dismissed with heavy compensatory cost.

The Appeal filed by the Appellant is also bad in law on the point of introducing new facts and documents which was neither before the Ld authority nor part of the pleading and complaint. The appellant is nothing but completely bad in law on the ground of being beyond pleading as per the law in force.

Without prejudice to whatever stated herein above, detailed submission in addition and/or continuation of above ground of objections which is as follows:

- (ix) This is a written statement in response to the show-cause notice received by the Respondent No. 2, 3 and 4. (herein referred to as Respondents for the sake of brevity) from this Hon'ble Forum dated 16.12.2020.
- (x) The Respondent draws attention of the Hon'ble Forum to the following facts showing how the Appellant is just trying to extort money and financial gains from the Appeal No. 99 of 2020 dated 09.12.2020. The Respondent states that the Appellant has alleged the following – a) Dispute regarding change of name pertaining to A/c No.868-612-015\*5 at - 4/12/A, Khan Building, Dockyard, Mumbai 400 010. b) Complaint against Respondent No. 3 forging signature on NOC dated 03.03.2011 submitted by Respondent No.3 for change of name for electricity Meter in Respondent No.3's name illegally.

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



- (xi) It is pertinent to note that none of the submissions as made by the Appellant in Grievance No. S-B-410-2020 dated 10.09.2020 were neither admitted nor acknowledged by the Forum in its Order dated 05.11.2020 and hence was dismissed. The Order further quoted that the Appellant had exceeded the time limit to file the complaint under the Regulation 6.6 of the CGRF Regulations 2006. Regulation 7.8 of CGRF Regulations 2020 which states that any complaint to the Forum shall not be made beyond two years from the date of cause of action. The Appellant has gone beyond the limitation period and is hence barred from limitation.
- (xii) The Respondents further state that even on merits, the Forum did not find any faults and the Respondents reiterate the evidence submitted to the Consumer Grievance Redressal Forum on which the Order was passed in the favour of the Respondents-
- a) Copy of Aadhar Card, Driving License and Election Card of Respondent No. 3
  - b) Copy of Aadhar Card of Respondent No. 2
  - c) Rent Receipts of the Premises concerned where the electric supply is given, receipts submitted from the past 17 years.
  - d) The Complaint letter to J.J. Marg, Byculla and Mira Road Police Station against the Appellant in respect of Blackmailing and extortion.
  - e) Landlord's NOC which states that the Respondent (3) (here) has been tenant and in possession of the premises since last 20 years.
- The abovementioned documents had been submitted by the Respondents and thereafter the Forum after perusing the documents passed the order dismissing the complaint filed by the Appellant.
- (xiii) The Appellant, daughter of Respondent No. 4 and sister of Respondent No. 2 and 3, has been staying at her marital home having address at 501- A, Marvel Building, Sanghavi Complex, Narayan Nagar, Mira Road (E) Thane, 401107. The Appellant has filed various false, bogus and baseless complaint at Byculla Police Station and J.J. Marg Police Station and even at the Ombudsman office as well more, particularly complaint dated 19.12.2019 and 14.09.2019.

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



- (xiv) The Respondents states that the complaint filed by the Appellant on 19.12.2019 was based on her false and wrong statements just to mislead the Police Authority and to prejudice them against the Respondents. It was alleged by the Appellant in the complaint that the Appellant had sent a notice to the landlord on 21.08.2019 and which was received by the landlord on 22.08.2019 and he had failed to file reply till date as there is no documentary proof and landlord had committed fraud and forgery upon the Appellant and same impression was shown to the Police station by suppressing the fact. The Respondent states that the landlord had already replied to the said notice by his advocate reply dated 09.10.2019. The Order passed by the Forum acknowledged the affidavit and the letter provided by the Landlord stating that the Respondent No.3 was the rightful tenant and occupier of the premises.
- (xv) The Respondents states that the malicious intent of the Appellant goes back to the family issues which the Appellant is trying to take out through frivolous litigation. The Appellant got married in the year 2003 by evading from the Respondents house against the Respondents' wishes with one Mr Khursheed Alam Mohammed Mukhtarul Haque, who is the Appellant's husband. The Appellant was financially unstable after marriage and started to ask for money from the Respondents. Respondent No. 4 has raised the Appellant despite being a single mother and sole bread winner of the house, has raised and borne all the expenses of the Appellant. The Appellant is now a doctor because of the hard-earned money spent by the Respondent No. 4.
- (xvi) The Respondent No.4's husband passed away in the year 1991 and in the year 1989 the property of Khan building being C-4/12/A, Khan Building, Dockyard, Mumbai 400 010 was purchased by Respondent No. 4 and her late husband Mr Mehmood Shaikh, when at the time the Appellant was merely 12 years old and, in August, 1999 that room was duly transferred in the name of Mr. Sarfaraz Mehmood Shaikh and till date it stands in the name of Respondent No. 3.
- (xvii) The Respondents hereby represent their case and urge this Hon'ble Forum to not be dissuaded by baseless arguments put up by the Appellant. As confirmed by the Order of the Forum, there is no evidence which shows that the Respondent

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



No.3 has forged any signature or documents and hence the NOC received is true and fair in all its sense. All the arguments put forth by the Respondents are backed by solid evidence including the statement of the Landlord of the premises, rent receipts paid by the Respondents which clearly show no entitlement of the Appellant whatsoever. In view of the above, the Appeal filed by the Appellant is devoid of merits and same is required to be rejected with heavy compensatory cost.

6. The hearing was scheduled on 08.02.2021 on e-platform through video conferencing due to the Covid-19 epidemic.

7. The Appellant argued during the hearing stating that she is basically concerned about the order of the Forum wherein factual position with respect to some issues, as has been submitted by her, is not recorded. These are as below: -

- (a) Her year of marriage is 2003 but, in the order, it is 2009.
- (b) The property though is not ancestral but recorded as such.
- (c) It has been specifically pointed before the Forum that the said property was in the name of the Appellant, while it has not been taken cognizance of, in the order.
- (d) The issue of tenancy of the said premises which was transferred in the year 1999 and the necessity to obtain her NOC was deliberated before the Forum, why this aspect is not recorded in the order.
- (e) In the proceeding before the Forum, Mr. Kamat, Member of the Forum mentioned that it is a criminal proceeding and the complainant (now Appellant) need to approach the Court of Law is not recorded in the order.

8. While concluding her arguments, the Appellant requested to correct the order of the Forum considering the above points. The Appellant further prayed that she came to know about the change of name through her RTI application dated 14.08.2017 filed before the Respondent No.1. She, therefore, filed grievance with the IGRC on 20.11.2019 and hence,

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



the application is not time barred and therefore, change of name of the electric connection be reversed in her name.

9. Respondent No. 1 argued that on receipt of application from Respondent No. 3 (Sarfraz Shaikh), it issued letters to the Appellant as well as Respondent No.3. The Appellant submitted papers as mentioned at para 4 (iii) (d) above. The Respondent No. 3 submitted paper as mentioned at para 4 (iii) (e) above. Besides this, when a special officer is deputed to inspect the premises on 19.12.2019, he found that the said premises was occupied by Respondent No. 3, his family, and his mother. The matter was also investigated by the Police on the complaint filed by the Appellant. Considering all this, the connection was transferred in the name of Respondent No.3. At the time of initial change of name, similar inspection was also carried out on 15.03.2011 when the premises was found to be occupied by Respondent No.3.

10. Respondent No.2 for himself and on behalf of Respondent No. 3 and 4 argued that it has submitted all requisites documents for change of name. The tenancy rights are in his name and rent receipt is also in the name of Respondent No.3. Obtaining the NOC is an additional document that was submitted. Therefore, the argument of the Appellant that there was no need for NOC when the tenancy rights are transferred in 1999 is misplaced. The Appellant is the eldest child among the siblings and hence, father and mother who were then working in BMC chose to take connection in the name of the Appellant being the eldest one. The other reason being that his parents were residing in the staff quarters of BMC. There is no substance in the argument of the Appellant as could be seen from the records available. She is trying to blackmail for the reasons not known.

### **Analysis and Ruling**

11. Heard the parties and perused the documents on record. I noted the following important points in this representation.

- (a) Change of name occurred in the year 2011.
- (b) The Appellant filed complaint with the IGRC on 20.11.2019 which issued order on 14.01.2020.

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



- (c) Then she approached the Forum on 10.09.2020 (i.e. after prescribed 60 days limit) as she came to know about the change of name through her RTI application on 14.08.2017.
- (d) The tenancy changed in the year 1999 and rent receipts are in the name of Respondent No.3 for considerable period from 1999 onwards.
- (e) The Appellant got married in 2003 and living separately with her husband.
- (f) Before approving change of name, Respondent No.1 issued letters to the Appellant and Respondent No.3 for submission of appropriate documents. The Appellant submitted documents captured at para 4 (iii) (d) above and the Respondent No. 3 captured at para 4 (iii) (e) above.

12. I noted that the Appellant also filed complaint with the Byculla and J.J. Marg Police stations. Byculla Police Station has conducted inquiry into the allegations made by the Appellant and finally noted that it did not find any substance in the complaint and hence they closed the complaint.

13. While the Respondent No. 3 has submitted all appropriate proper documents in support of his claim, the Appellant simply submitted statements / letters not backed by any documents such as rent receipt, Aadhar card, driving license, election card, etc. which would help stake her claim on the property. The Appellant simply harped on some vague allegations and pointing out shortcomings in the Forum's order of inconsequential import. Electricity bill is a secondary issue while claiming tenancy right on the said premises is the most prime and deciding factor for future transactions whatever. This appears to have been lost sight of by the Appellant. Therefore, it is felt that the Appellant does not appear to have taken a clarion call on the real issues.

14. The Appellant claims that she got married in the year 2003, it inter alia means that she was in the alleged premises till such time. Another important fact that in the year 1999, the tenancy changed in the name of Respondent No. 3, at this juncture, she would have definitely known that this tenancy has changed because she was about 23 years old at that time. Therefore, it is difficult to believe that she was unaware of all these changes.

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



15. The Forum in its order which is speaking and reasoned one has scrutinised the case in detail and dismissed the grievance. The investigation report of the Police Station Officer is self-explanatory and throw light on all these events. Allegations being of fraud, forgery, etc. the Forum has rightly held that it does not have power to delve into this. The same principle applies to the undersigned also. The Respondents 2 to 4 have jointly in their written submission said that the present Representation is barred by limitation in view of the provision of Regulation 6.6 of the CGRF Regulations 2006. This limitation issue has been addressed by me in the latter part of the order.

16. Now the only issue remains is to address the prayer of the Appellant to correct the order of the Forum as far as issues raised by her. Ongoing through the issues, I am of the opinion that irrespective of what the Forum has recorded in its order on which the Appellant has reservations and in the opinion of the Appellant, they are diagonally opposite the facts such as year of marriage of the Appellant, property being non ancestral, etc. are of inconsequential import because the facts remain facts and cannot be altered through any order or otherwise. This does not materially affect the outcome of the Forum's order. As regards other issues of not recording by the Forum, "*the proceedings before it is criminal proceedings*" does not debar the Appellant for taking suitable action in future if deemed appropriate.

17. I am, therefore, of the opinion that primarily there is no need to correct the order of the Forum to the extent above and further, I do not find anything wrong on the part of the Respondent No.1 in transferring the connection in the name of Respondent No.3. Notwithstanding this, the case pertains to the year 2011. The Appellant came to know about the change of name event through her RTI application dated 14.08.2017 and she approached the Forum on 10.09.2020 i.e. after a period of two years from the cause of action. This goes against the provision of Regulation 6.6 of the CGRF Regulations 2006 which stipulates that "*the Forum shall not admit any grievance unless it is filed within two (2) years from the date on which the cause of action has arisen.*" Therefore, the representation is not only time barred but it does not stand scrutiny on merits.

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



18. The basic allegation of the Appellant is that her real brother, Mr. Sarfaraz Mehmood Shaikh forged her signature and transferred room rent receipt as well as the electricity bill for Consumer A/c. No.868-612-015\*5 in his name illegally, unlawfully, fraudulently with dishonest intentions. Adjudication of such charges levelled by the Appellant against her brother are outside the domain of the undersigned and needs to be tried at appropriate Court of Law by the Appellant.

19. In view of the above, I do not find it necessary to interfere with the order of the Forum dated 05.11.2020. The representation is disposed of accordingly.

Sd/-  
(Deepak Lad)  
Electricity Ombudsman (Mumbai)

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai

