



Consumer Grievance Redressal Forum  
FOR BSES YAMUNA POWER LIMITED  
(Constituted under section 42 (5) of Indian Electricity Act. 2003)  
Sub-Station Building BSES (YPL) Regd. Office Karkardooma,  
Shahdara, Delhi-110032  
Phone: 32978140 Fax: 22384886  
E-mail: cgrfbypl@hotmail.com  
SECY:CHN/01508NKS

**CA No. Applied For**  
**Complaint No. 59/2019**

**In the matter of:**

Jagmohan Taneja .....Complainant

**VERSUS**

BSES Yamuna Power Limited .....Respondent

**Quorum:**

1. Mr. Arun P Singh (Chairman)
2. Mrs. Vinay Singh, Member (Legal)
3. Dr. Harshali Kaur, Member (CRM)

**Appearance:**

1. The Complainant and his brother Mr. Guresh Taneja
2. Mr. Imran Siddiqi, Ms. Deepika Rawat & Mr. Achal Rathi,  
On behalf of BYPL

**ORDER**

Date of Hearing: 10<sup>th</sup> October, 2019  
Date of Order: 11<sup>th</sup> October, 2019

**Order Pronounced by:- Mrs. Vinay Singh, Member (Legal)**

The complainant lodged a complaint in CGRF regarding new connection. The complainant stated that he applied for new connection at 1st floor, front side, 40 Sharad Vihar, Delhi-92 on 10.08.2018 by submitting conveyance deed of his father, copy of handwritten will dated 09.02.1997 and NOC from one of the co-occupier/owners/legal representatives, but he has been denied electricity connection. He further stated that the electricity connection has been sanctioned to all other co-owners without NOC in the same house but is being

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denied to him. He wants the electricity connection in the same house which is in his occupation/possession and lock and key and the entire building is still in name of his father Sh. Bhim Sain Taneja. He also stated that he is suffering from many diseases and electricity being an essential item; he is unable to get electricity connection in his name. He also stated that when other co-owners Mrs. Sangita Taneja, w/o Guresh Kumar Taneja can be sanctioned electricity connection without NOC from other co-owners including him, then how BYPL can deny electricity connection to him. He also mentioned that one of his brothers, Sh. Guresh Kumar Taneja, after denial electricity connection by BYPL, moved to this Forum vide C.G. No. 37/07/2019 and got order to sanction electricity connection. He requested the Forum to direct the respondent to sanction electricity connection at his portion of property without insisting for NOC from others.

Notice was issued to both the parties to appear before the Forum on 10.10.19. The respondent has filed a reply on dated 10.10.19 as under:-

"The complainant applied for new connection vide request No.8003486110 dated 10.08.18 in respect of first floor of the property bearing no. 40, Sharad Vihar, Delhi-110092. On verification it was found that the property dispute exists among brothers and as per DERC in exercise of the powers vested under Regulation 84 and Regulation 87 of DERC (Supply Code and Performance Standards) Regulations 2017, hereby makes the amendment in its principal order dated 31.08.2017 that NOC is required if there is co-owner. Accordingly, in respect of the request of the complainant for new electricity connection deficiency letters were issued whereby NOC of other co-owners was sought. It was also their submission that as per Regulation 10 of DERC (Supply code and Performance Standards) Regulations 2017, which is narrated as under:-

(3) Proof of ownership or occupancy of the Premises:- Any of the following documents shall be accepted as the proof of ownership or occupancy of premises:-

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- (i) Certified copy of title deed,
- (ii) certified copy of registered conveyance deed,
- (iii) General Power of Attorney (GPA),
- (iv) Allotment letter/possession letter: DERC (Supply Code and Performance Standards) Regulations, 2017 Page 15 of 121
- (v) valid lease agreement along with undertaking that the lease agreement has been signed by the owner of his authorized representative,
- (vi) rent receipt not earlier than 3 (three) months along with undertaking that the rent receipt has been signed by the owner or his authorized representative,
- (vii) mutation certificate issued by a Government body such as Local Revenue Authorities or Municipal Corporation or land owning agencies like DDA/L&DO,
- (viii) Sub-division agreement:
- (ix) For bonafide consumers residing in JJ clusters or in other areas with no specific municipal address, the licensee may accept either ration card or electoral card mandatorily having the same address as a proof of occupancy of the premises.

On being asked for proof of occupancy and NOC from the consumer, Mr. Jagmohan was failed to provide any of the documents hence a deficiency letter issued to the consumer. The complainant insisted that various other electricity connections are also granted at the premises in issue without there being proper NOC or on the basis of forged documents. The respondent duly looked into the matter and found that at the premises in question the following electricity connections existed:

| S.No. | C A No.   | Consumer Name  | Date of Energization |
|-------|-----------|----------------|----------------------|
| 1.    | 100069941 | Anil Kumar     | 23.04.1991           |
| 2.    | 100753744 | Guresh Kumar   | 31.10.1995           |
| 3.    | 100753635 | Gurucharan Lal | 17.01.1998           |
| 4.    | 152900203 | Guresh Taneja  | 29.08.2019           |

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It is pertinent to mention here that the complainant's brother Anil Kumar Taneja and Guresh Taneja has filed one application before the Forum on 24.09.19 and 01.10.19, attached therewith copy of deed of will which is Registered Will in favour of Sh. G.L. Taneja, Sh. Guresh Kumar Taneja and Sh. Anil Kumar Taneja. Sh. Guresh Taneja and Sh. Gurucharan Lal Taneja had filed Probate case before the Additional District Judge, Tiz Hazari, after the demise of father Sh. Bhim Sen Taneja on 10.07.2002 and 23.05.2005. The joint orders were issued in the Court of Ms. Sujata Kohli on 23.12.17 which are presented as under:-

*"Taken into totality, the suspicious circumstances, surrounding both the Wills, coupled along with glaring discrepancies visible on the face of the two wills, the cross petitioners have not been able to dispel the suspicious circumstances, and not able to explain away the contradictions, glaring differences, and discrepancies, visible on the face of the documents.*

*In view of above discussion, one will is found not to be on a better footing than the other, and both are equally suspicious, both petitions i.e. P.C. No. 42148/16 Gurucharan Lal Taneja V. State & Ors as well as P.C. No. 4227/16 Guresh Kumar Taneja v. State & Ors stand dismissed."*

In continuation of this the complainant Sh. Jagmohan Taneja has filed a suit before Hon'ble High Court of Delhi which was disposed off in 2017, but during the argument it came into the knowledge that one Will Probate Case (Property Case) related to this property is Sub-Judice before the Hon'ble High Court of Delhi and fixed for hearing on January 2020. All the three brothers Anil Kumar, Gurucharan and Guresh Taneja are staying and in occupation of said property and connection was granted by the respondent to all the occupants of the property as follow:-

| S.No. | C A No.   | Consumer Name  | Date of Energization |
|-------|-----------|----------------|----------------------|
| 1.    | 100069941 | Anil Kumar     | 23.04.1991           |
| 2.    | 100753744 | Guresh Kumar   | 31.10.1995           |
| 3.    | 100753635 | Gurucharan Lal | 17.01.1998           |
| 4.    | 152900203 | Guresh Taneja  | 29.08.2019           |

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Now the complainant approached the Forum for grant of new connection at the portion which is in his possession and it is admitted by him that he is in possession of front side of the first floor of the property and connection may be granted to him.

We have gone through the submissions made by both the parties. From the narration of facts and material placed before us we observe that complainant is in possession of front side of the first floor of the property and is seeking new electricity connection in his name on the basis of Conveyance Deed by Delhi Development Authority in favour of his father Lt. Sh. Bhim Sain Taneja, his father's death certificate. The respondent also admitted the fact that the complainant is in possession of front portion of first floor of the property. It is also an admitted fact that this property is in dispute among the brothers regarding their share in property and Will of their father. The case regarding the same was dismissed by Additional District Judge on 17.12.17 and the appeal is pending before the Hon'ble High Court of Delhi which is fixed for hearing in January 2020.

We have also been through the judgment of Hon'ble Justice Kailash Gambhir, Judge of Hon'ble High Court of Delhi in W P C No. 3132/2010 where he stated as under:-

*"That the electricity being an essential amenity cannot be denied to the petitioner simply because of the fact that the petitioner is not in a position to obtain no objection certificate from the landlord with whom he is in litigation."*

From the above and after going through the submissions of both the parties, we direct as under:-

- Since electricity is an essential commodity, which cannot be denied, and having electricity connection does not create any right of title or interest in property.

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- The respondent is directed to release the connection to the complainant after fulfilling all the required formalities by the complainant as per DERC Guidelines.
- The respondent is also directed to take an affidavit from the complainant of occupancy and possession of the front side of the property.

Case is disposed off as above.

No order as to the cost. Both the parties should be informed accordingly.  
Proceedings closed.

The compliance should be reported within 30 days. The order is issued under the seal of Consumer Grievance Redressal Forum (BYPL).

  
(HARSHALI KAUR)  
MEMBER (CRM)

  
(ARUN P SINGH)  
CHAIRMAN

  
(VINAY SINGH)  
MEMBER (LEGAL)