

CA No. Applied For
Complaint No. 111/2022

In the matter of:

Alphons GomesComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mrs. Vinay Singh Member(Law)
2. Mr. Nishat Ahmed Alvi, Member (CRM)

Appearance:

1. None present on behalf of the complainant
2. Ms. Shweta Chaudhary, Ms. Seema Rawat, Ms. Maninder Babbar & Ms. Katha Mathur, On behalf of BYPL

ORDER

Date of Hearing: 16th August, 2022
Date of Order: 23rd August, 2022

Order Pronounced By:- Mrs. Vinay Singh, Member (Law)

Briefly stated facts of the case are that the complainant applied for new electricity connection and the respondent had not install the meter till date.

The complainant's grievance is that he applied for new domestic connection vide request no. 8005123738 dated 02.09.2021, but respondent rejected his application for new connection on pretext of 'clearance of enforcement dues required against CA/meter no. 400618445 same building other floor.'

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Therefore, he requested the Forum to direct the respondent for immediate release the new connection.

Notices were issued to both the parties to appear before the Forum on 23.06.2022.

Respondent submitted their reply stating therein that the complainant applied for new electricity connections vide order no. 8005123738 in September 2021 at 221, 3rd floor, J-extension, Laxmi Nagar, Dlehi-110092 and later again on 27.05.22 vide order no. 8005712582. As per site visit report the building wherein new connection was applied is GF+UGF+3 and construction was going at the site. As the site is above 15 meters hence fire clearance certificate is required. The application of new connection of the complainant was also rejected due to pending outstanding dues. The said dues i.e. pertaining to energy dues were in respect of CA No. 151552360 Rs. 89862/- and CA no. 151552361 Rs. 62143/-, pertaining to the complainant and his wife and another dues which is on the whole premises of CA No. 101045709 of Rs. 28848/-.

The matter was listed for hearing on 07.07.2022, when counsel of the complainant sought some time for resolution of the matter. On next date of hearing none was present on behalf of the complainant.

The matter was finally listed for hearing on 16.08.2022, when again none was present on behalf of the complainant. Forum noted that on the last hearing dated 02.08.2022 also none was present on behalf of the complainant. It seems that complainant is no longer interested to pursue the matter before the Forum.

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The said matter is already decided by the Forum in the matter of Pratibha Vishwas Vs. BYPL in C.G. No. 76/2021, where Forum has ordered that "Respondent is free to recover the transferred dues of Alphanso Gomes as per the provision of Section 42 (4) by filing a recovery suit against Alphanso Gomes because he is staying in the same premises and in the area/jurisdiction of the respondent."

Both the cases of Alphanso Gomes and Pratibha Vishwas are related. Respondent has not taken any steps for recover of dues as per the earlier directions of the forum.

Since the case of Pratibha Vishwas is already decided by the forum and both the cases are co-related to each other, the forum closes this case with the above directions. Case is reserved for orders.

In view of the above, we are of considered opinion that the matter of Alphanso Gomes is related with the earlier decided matter of Pratibha Vishwas vide C.G.No. 76/2021, in which Forum held as under:

Respondent is free to recover the transferred dues of Alphanso Gomes as per the provision of Section 42 (4) by filing a recovery suit against Alphanso Gomes because he is staying in the same premises and in the area/jurisdiction of the respondent.

Respondent also added that the height of the building is also more than 15 meters. Therefore, complainant is directed to produce Building Completion Certificate from EDMC and Fire Clearance Certificate.

Sachin

[Signature]

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Therefore, we direct,


- The complainant is directed to clear the dues of CA No. 151552360 amounting to Rs. 89862/- in name of Mala Rozario and CA No. 151552361 of Rs. 62143/- in the name of Alphons Gomes for release of new connection.
- If the complainant wants instalments, respondent is directed to allow same as per Section 49 of DERC Supply code 2017.
- The complainant is also directed to produce Building Completion Certificate from EDMC or fire clearance certificate.
- The respondent is further directed to release the connection to the complainant after completion of all the commercial formalities as per DERC Regulations 2017.
- The respondent is also directed to file the compliance report within 21 days from the date of this order.

The case is disposed off as above.

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

Proceedings closed.


(NISHAT AHMED ALVI)
MEMBER (CRM)


(VINAY SINGH)
MEMBER (LAW)