



C A No. 152791461
Complaint No. 116/2022

In the matter of:

Anuj GakharComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Anuj Gakhar, Complainant
2. Mr. Imran Siddiqi, Ms. Ritu Gupta, Ms. Shweta Chaudhary, Mr. Nishant & Mr. Gaurav, On behalf of BYPL

ORDER

Date of Hearing: 30th August, 2022
Date of Order: 06th September, 2022

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

Briefly stated facts of the case are that the joint owner of the property forged the documents and got a new electricity connection installed in his name.

The complainant's grievance is that his late father was joint owner of property no. Plot no. 19, SF, Gali No. 7, X-369, Mohalla Ram Nagar, Gandhi Nagar, Delhi-110031. The other owner of the property namely Chaman Lal Jain, forged signature of his father on NOC and got a new electricity connection installed in his name. Therefore, he requested the Forum to direct the respondent for immediate removal of the said illegal connection.

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Notices were issued to both the parties to appear before the Forum on 12.07.2022.

Respondent submitted their reply stating therein that complainant is seeking disconnection of electricity connection bearing no. 152791461 registered in the name of Chaman Lal Jain which is installed at premises bearing no. X/369, SF, Plot No. 19, Gali No. 17, Mohalla Ram Nagar, Gandhi Nagar, Delhi-110031. The premises in issue was jointly owned by Chaman Lal Jain and Babu Lal i.e. father of the complainant, as such new connection was granted in the name of Chaman Lal Jain on the basis of NOC of Babu Lal and other relevant documents including GPA in their favor dated 29.04.2019.

Respondent further added that on basis of investigation with Sanjeev Jain s/o Chaman Lal Jain and complainant it transpired that both the original owners have since expired and only a registered consumer or his legal heirs can seek disconnection of supply. It is also their submission that second connection bearing CA no. 151846756 in the name of Rajesh Kumar Gupta was granted as per norms.

The matter was listed for hearing on 12.07.2022, when respondent was directed to produce K.No. file of Rajesh Gupta and Chaman Lal Jain. Secretary of the Forum was directed to issue notice to Mr. Rajesh Gupta and Mr. Sanjeev Jain s/o Lt. Sh. Chaman Lal Jain.

Respondent submitted K.No. files of both the connections in the name of Rajesh Gupta and Chaman Lal Jain.

On hearing dated 02.08.2022, respondent produced K.No. files of connection of Sh. Rajesh Gutpa and Sh. Chaman Lal. Forum noted two major issues in the K.No. files, firstly the ID proof of Joint Owner of the property Sh. Babu Ram,

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does not match, secondly NOC of Babu Ram also seems to be faked and the age of Sh. Babu Ram is also different.

During course of hearing the complainant also raised objection that his father used to put thumb impressions and does not put signatures. Forum directed the complainant to file bank documents verifying his father's signature alongwith affidavit. The complainant also raised issue that connection of Sh. Rajesh Gupta is issued on second floor and is being used on the fourth floor of the property. Respondent was directed to conduct site visit and verify the same.

Respondent submitted site visit report dated 10.08.2022 in which they submitted that meter no. 70086952 is used on fourth floor for NX purpose but as per record it is on 2nd floor. On 2nd floor meter no. 70142868 is used in the name of Chaman Lal.

On hearing dated 16.08.2022, respondent submitted that they have issued Show Cause Notice to Rajesh Gupta.

The matter was finally heard on 30.8.2022, when the complainant filed an Affidavit clarifying his father's actual Date of Birth as per Aadhar is 01.01.1937 and ID proof attached for NOC in BYPL record against CA No. 152791461 is not his father. He further added that his father used to put thumb impression but in BSES YPL record the signatures of his father are forged.

Complainant also filed No Objection, Indemnity Bond, and one GPA dated 20.02.2021 in which complainant's father has only put thumb impression and the same photograph is on the PAN Card of the complainant's father. Arguments heard case is reserved for orders.

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We have gone through the submissions made by both the parties. From the narration of facts and material placed before us we find that for the connection number 152791461 in the name of Sh. Chaman Lal, we have enough proof to prove that the documents filed by Sh. Chaman Lal Jain for release of new connection seems to be forged and it requires Summary trial and CFSL report. Secondly, the connection in the name of Rajesh Kumar Gupta vide CA No. 151846756 was issued for address X-369, Second Floor, Plot No. 19, Gali No 07, ram Nagar, Gandhi Nagar, Dlehi-110031 and was illegally being used at the fourth floor of the said premises. After finding this, respondent has taken action and have issued notice to Rajesh Kumar Gupta on 11.08.2022 regarding illegal extension of supply against CA No. 151846756 which is as per DERC Regulations.

- Therefore, we direct the respondent to take legal action as per DERC Regulations 2017 and as per law for the released connections in the premises.
- Complainant is free to approach any Court of Law Civil/Criminal for the forged documents filed before the Respondent for release of new connection by Sh. Chaman Lal Jain.
- Respondent is further directed to file compliance report to the Forum 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)
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