



**CA No. Applied For**  
**Complaint No. 92/2022**

**In the matter of:**

Komal .....Complainant

**VERSUS**

BSES Yamuna Power Limited .....Respondent

**Quorum:**

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

**Appearance:**

1. Ms. Vandana Malik, Counsel of the complainant
2. Mr. Imran Siddiqi & Ms. Shweta Chaudhary, On behalf of BYPL

**ORDER**

Date of Hearing: 14<sup>th</sup> July, 2022

Date of Order: 15<sup>th</sup> July, 2022

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

Briefly stated facts of the case are that the complainant applied for new electricity connection but respondent has not released the new connections till date.

The complainant's grievance is that he applied for new electricity connections vide application no. 8005392546 at 1843-44, Third Floor, Basti Julahan, Idgah road, Sadar Bazar, Delhi-110006.

*Shree*

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He further added that respondent vide their deficiency letter dated 09.01.2022 rejected his application for new connection on pretext of same site enforcement and same site energy dues exists. Therefore, he requested the Forum to direct the respondent for immediate release of new connection.

Notices were issued to both the parties to appear before the Forum on 24.05.2022.

The respondent in their reply submitted that complainant applied for new electricity connection vide application no. 8005392546 at Third Floor, 1843-44, Basti Julahan, Idgah Road, Sadar Bazar, Delhi-110006 on 01.01.2022. On site verification it was found that enforcement and energy dues are outstanding against the premises sought to be electrified. The complainant was duly intimated to clear of enforcement and energy dues for release of new connection.

The matter was listed for hearing on 24.05.2022, when copy of the reply of respondent was supplied to the complainant. Both the parties were directed to file their written submissions.

The matter was again heard on 02.06.2022, when counsel of the complainant sought time. The matter was heard on 14.06.2022, when respondent raised objection that there are pending enforcement dues of some other person and energy dues of Rs. 60802/- in name of Mr. Charan Dass, who is father-in-law of the complainant. Forum directed respondent to file statement of account of both the enforcement and energy dues of Mr. Charan Dass.

On hearing dated 05.07.2022, respondent was directed to visit the premises of the complainant and inspect the same in the presence of the complainant.

Counsel of the complainant submitted that there are four more connections in the same property, if it is so, then all the pending dues will be equally distributed among all the connections installed in the property.

*Leela*

*[Signature]*

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The matter was again heard on 12.07.2022, when respondent filed site visit report.

The matter was finally heard on 14.07.2022, when arguments of both the parties were heard and matter was reserved for orders.

We have gone through the submissions made by both the parties. From the narration of facts and material placed before us we find that there are dues on the premises amounting to Rs. 60802/- in the name of Charan Dass who is father-in-law of the complainant.

Charan Dass made a GPA in favour of his Son Krishan Kumar (husband of complainant Komal) in the year 2017 for the third floor and fourth floor of premises no. 1843-44 (part), situated at Basti Julahan, Idgah Road, Sadar Bazar, Delhi-110006.

During proceedings it also came to the knowledge of the Forum that Charan Dass's second wife is still alive and living on the ground floor of the same premises.

From the above deliberations we observe that dues of Rs. 60802/- pertains to father in law of the complainant and the wife of Late Sh. Charan Dass is still alive living on the ground floor. Complainant is daughter in law of Late Sh. Charan Dass and is in possession of third and fourth of the premises without electricity.

**As per DERC Regulation 2017, Regulation 10 New and Existing Connections:-**

**(4) Sub-divided Property:-**

**(i) Where property/premises have been legitimately subdivided, the owner/occupier of the respective portion of such sub-divided property shall be entitled to obtain independent connection in his name.**

**(ii) The Licensee shall provide the connection, to the applicant of respective portion of the legitimately sub-divided property, on payment of outstanding dues on pro-rata basis for that portion, based on the area of such sub-division or as mentioned in sub-division agreement, and the Licensee shall not deny connection to such applicant on the ground that dues on the other portion(s) of such premises have not been paid, nor shall the Licensee demand record of last paid bills of other portion(s) from such applicant(s).**

*Seen*

*[Signature]*

- As above, we are of the considered opinion that the energy dues should be paid by both the legal heirs of the property i.e. wife of Late Sh. Charan Dass and son Sh. Kishan Kumar.

Therefore, we direct

- The respondent is directed that the dues of connection of Late Sh. Charan Dass amounting to Rs. 60802/- should be equally divided into all connections on pro rata basis and to all alive connections in the building as per DERC Guidelines, 2017.
- Respondent is also directed that the LPSC should be waived off.
- Respondent is directed that the pro-rata share of complainant is to be accepted in four equal monthly instalments.
- Respondent is further directed to release the connection to the complainant after taking first installment from the complainant and fulfilling of commercial formalities as per DERC Regulations 2017.

**The case is disposed off as above.**

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

**Respondent is directed to file compliance report within 21 days from the date of this order.**



(NISHAT AHMAD ALVI)  
MEMBER (CRM)



(VINA Y SINGH)  
MEMBER (LAW)