

C A No. Applied for
Complaint No. 28/2023

In the matter of:

KusumComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. Nishat A Alvi, Member (CRM)
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. S.R. Khan, Member (Technical)

Appearance:

1. Mohd Afsar, A.R. of the Complainant
2. Ms. Ritu Gupta, Mr. Imran Siddiqi, Ms. Seema Rawat, Ms. Shweta Chaudhary, Mr. Shubham Singh & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 02nd March, 2023
Date of Order: 09th March, 2023

Attested True Copy
[Signature]
Secretary
CGRF (BYPL)

Order Pronounced By:- Mr. Nishat A Alvi, Member (CRM)

1. Present complaint has been filed by Ms. Kusum against BYPL-LNR.
2. The brief facts of the case giving rise to this grievance are that complainant Ms. Kusum, applied for new electricity connection at premises no. US-230, Gf, North School Block, Mandawali Fazalpur, Delhi-110092 vide application no. 8006046648, but respondent rejected

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his application for new connection on pretext of ownership dispute/court case already exists. She further added that respondent installed two connections last month only and have not raised any objection at the time of release of those connections.

3. The OP in their reply briefly stated that the complainant applied for fresh new electricity connection for property bearing no. GF US-230, North School Block, Mandawali Fazalpur, Delhi-110032 vide application number 8006046648.

OP further added that site of the complainant was visited and it was observed that meter already exists at ground floor vide CA No. 11606945 and there is property dispute as per version of first floor owner Mr. Naveen, between him and the complainant Kusum, therefore technical feasibility rejected.

Already three connections exists in the said premises in the name of Mr. Parmanand Bhagat having CA No. 150916765 under commercial category, second connection in the name of Mr. Naveen Kumar, having CA No. 153933402 under domestic category and third connection in the name of Sandeep Kumar vide CA No. 153945654 under non-domestic category. OP further added that connection in the name of Naveen Kumar was earlier sanctioned in the name of P Nand Bhagat having CA NO. 100891169 and Mr. Naveen Kumar applied for name change of the said connection which was done on 23.08.2022.

The subjected property which consists of ground and two floors over it has only one dwelling unit and one domestic electricity connection already exists. Therefore, the new connection application of the complainant was rejected.

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OP further added that only when complainant applied for fresh connection that time respondent came to know about property dispute at the time of site verification which is further evident from two different property documents filed by both the parties. On 01.12.2022 objection was also received from Naveen Kumar, Sandeep and Sumit objecting to grant of fresh electricity connection.

4. The representative of the complainant argued that connection installed vide CA No. 100891169 was installed in the property no. US-230, GF, Chander Vihar, Near Brilliant Public School, Delhi-92 in the name of the father of the complainant i.e. Sh. P Nand Bhagat but respondent on request of one Sh. Neeraj Kumar changed the name of connection of Sh. P Nand Bhagat to Sh. Neeraj Kumar only a month ago. She further added that when respondent can change name when there is property dispute pending in other court then they should also release her new connection in her name or else OP should revert the name change done by them.
5. The LR of the OP submitted that at the time of name change of the connection in the name of Sh. Neeraj Kumar they were not aware that there was some property dispute between Sh. Neeraj Kumar and the complainant therefore; they did the name change of connection of the connection of Sh. P Nand Bhagat to Sh. Neeraj Kumar.
6. Heard both the parties and perused the record. Heard the arguments of Authorized Representative of the complainant and OP-BYPL.


Devi A. Singh


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7. The main issue in the present complaint is whether the name change done by OP is correct.
8. Heard both the parties and perused the record. From the perusal of evidence placed on record pleadings and after hearing both the parties it is transpired that complainant asked for new connection at premises no. US-230, GF, Chander Vihar, Near Brilliant Public School, Delhi-92 and respondent rejected the application of the complainant due to ownership dispute/court case. It is also observed by the Forum that a connection was installed in the name of father of the complainant whose name was changed by OP on request of one Sh. Neeraj Kumar who also possesses property papers of the same premises.
- Forum also observed that, earlier also they have directed OP in the case of Arunlata Aggarwal C.G. No. 29/2020 to intimate/notice to the existing consumer whose connection is to be transferred but OP is not following the directions of the Forum.
9. We are of the view that the respondent in changing the name in the subject connection did not follow due procedure and principles of natural justice by issuing prior notice to the consumer of that particular connection. Therefore, respondent should revert the name change done by them in name of Sh. Neeraj Kumar.

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ORDER


Accordingly, Complaint is allowed with the direction to revert the name change done by them, keeping the status-quo of the connection as it was prior to the name changed.

The OP is also directed to file compliance report to this office within 21 days from the issue of this order.

The case is disposed off as above.


No order as to the cost. Both the parties should be informed accordingly. File be consigned to Record Room.


(NISHAT A ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


(S.R. KHAN)
MEMBER (TECH.)

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