



C A No. Applied for
Complaint No. 220/2023

In the matter of:

Manish ChadhaComplainant

VERSUS

, BSES Yamuna Power Limited
.....Respondent/

Quorum:

1. Mr. Nishat A Alvi, Member (CRM)
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Neeraj Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht & Ms. Shweta Chaudhary, On behalf of BYPL.

ORDER

Date of Hearing: 10th August, 2023
Date of Order: 16th August, 2023

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

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Secretary
CGRF (BYPL)

1. This complain, t has been filed by Mr. Manish Chadha, against BYPL-
/NNG.
2. The brief facts of the case giving rise to this grievance are that complainant Mr. Manish Chadha applied for new electricity meter vide request no. 8006198573 and 8006198569 at house no. G-52, GF, Kh. No. 1040/295, 1041/295, 1042/295, Main Loni Road, Gokl Pur, Delhi-110094.



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He also submits that respondent rejected his application for new connection on the pretext of Delhi- UP Area not confirmed.

3. The respondent in reply briefly stated that the complainant applied for grant of new electricity connection at premises no. G-52, Ground Floor, front side, 1040/295, 1041/295, 1042/295, Main Loni Road, Gokulpur, which is claimed to be part of Delhi.

OP further submitted that site of the complainant was visited and it was found that applied premises in issue falls on Delhi UP border. Hence, NOC from revenue department is needed for confirmation of status of land. Also, the back chain submitted by the complainant has GPA executed in UP which further raises doubt that subject property falls in UP.

It is also their submission that 9th Bi-annual report dated 10.07.2009 for the period 01.01.2009 to 30.06.2009 issued by the Electricity Ombudsman; NCT of Delhi under paragraph 3 had recorded as under:

(3) New connections in Border Villages and Colonies

In the case Smt. Yashoda Devi Vs. BYPL, the consumer requested for grant of a new connection in an authorized colony named Kardam Farm in Johripur Extension, on the Delhi-U.P. Border. Evidently, part of the colony is in Delhi and part in UP. The BYPL has already sanctioned about 700 connections and many of these have been given to consumers located in the UP area. Some distribution infrastructure has also been laid in the UP area. As a result, a number of new consumers, reportedly in UP are agitating for new connections. Some have also produced Ration Cards and Election Cards wrongly issued to people living in UP.

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This matter is required to be settled once and for all with the help of the Revenue Department of Delhi & UP, so that no consumer living beyond the boundary of Delhi is given a connection, and existing connections wrongly given, are also withdrawn. In future greater care should be exercised in grant of connections in border villages and colonies.

4. In rejoinder to OP's reply, complainant reiterating his stand further states that erstwhile owner of the property was having two electricity connections bearing CA No. 100036518 in name of Kripal Singh which were energized on 09.09.1981 from pole no. NNGPH058S1 vide CA No. 100036518 and CA No. 101460975. The connections were disconnected in 2011 on account of non-payment of outstanding dues. He further submitted that OP has released many more connections in the said area; therefore, there is no need to produce NOC from Revenue Department.
5. Heard both the parties and perused the record.
6. The main issue in the present case is whether the premise of the complainant falls in Delhi area or UP Area. If in Delhi then can the electricity connection applied for by the complainant be granted.
7. Going through the documents placed on record by the complainant i.e. the GPA and property back chain it is clearly evident that the said property is registered vide GPA registered document no. 1953, in addl. Book no. IV, volume No. 250, on pages 291 to 294 dated 27.07.1981, duly registered with S.R. Ghaziabad (U.P.). While bill, placed on record, by the complainant in the name of Kripal Singh vide CA No. 100036518 installed in the applied premises shows the same as pertaining to Delhi.

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While OP has not placed on record, how the connections were released in the year 1981. Since the connections are more than 40 years old connections and it is difficult to ascertain the factual position of the connections energized in 1981. Therefore, complainant was asked to provide Revenue Record, to ascertain the fact that how the property registered in Ghaziabad U.P. in the year 1981 now having GPA notarized in Delhi.

8. In regard, of the connection already released by OP (erstwhile DVB/DESU) released the connection in the applied premises in the year 1981 we have gone through various orders/judgments passed by various forums and Courts. Hon'ble Delhi High Court in the case of W.P. (c) 2453/2019 has held "However, merely because some of the occupants of the building have wrongly been given an electricity connection, it cannot be ground for the court to direct respondents' no. 2 and 3 to further compound the wrong act and direct granting of a new electricity connection to the premises of the petition which is located in the building whose height is more than 15 meters.

9. Now the only document to be relied upon for the purpose of deciding jurisdiction is Revenue record of a particular state. The complainant was given opportunity to produce the Revenue record/khasra Girdhwries/khata, issued by revenue authorities of Delhi which complainant is not able to produce. Consequently, complainant is not able to prove that the applied premises fall in the jurisdiction of Delhi. Particularly when GPA and back chain specifically is shown registered with Sub-Registrar, Ghaziabad (U.P.).

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ORDER


On the basis of aforesaid findings it is clear that the complainant has failed to prove that applied premises falls in Delhi. Accordingly, the complaint is dismissed.

The case is disposed off as above.

No order as to cost/Compensation.


(H.S. SOHAL)
MEMBER


(NISHAT A. ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)

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