

C A No. Applied for
Complaint No. 200/2023

In the matter of:

Mohd ZakiComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmed Alvi, Member (CRM)
3. Mr. P.K. Agrawal, Member (Legal)
4. Mr. S.R. Khan, Member (Technical)
5. Mr. H.S. Sohal, Member

Appearance:

1. Mohd Afsar, A.R. of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht & Ms. Seema Rawat, On behalf of BYPL

ORDER

Date of Hearing: 13th July, 2023
Date of Order: 24th July, 2023

Order Pronounced By:- Mr. P.K. Singh, Chairman

Attested True Copy

Secretary
CGRF (BYPL)

1. This complaint has been filed by Mohd Zaki against BYPL-LNR.
2. The brief facts of the case giving rise to this grievance are that complainant Mohd Zaki applied for new electricity connection vide request no. 8006233774 at premises no. F-11, 4th floor, West Jawahar Park, Laxmi Nagar, Delhi-92.

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It is also his submission that respondent has rejected his applied for new connection on the pretext of outstanding enforcement dues on existing meter and address in MCD suspected. Therefore, he requested for ~~removal~~ of grant of his application for new connection.

3. OP in its reply briefly stated that the complainant is seeking new electricity connection on fourth floor of property bearing no F-11, West Jawahar Park, Laxmi Nagar Delhi-92 vide application no. 8006233774 for domestic propose.

OP also added that on 28.03.2023, the site was visited and it was found that building structure is ground floor plus four floors over it. A deficiency letter was issued as applied portion is effective fifth floor hence complainant was asked to submit architect certificate from MCD approved architect regarding that fourth floor is within the height of 15 meters. Besides the same there are enforcement dues which are outstanding.

Regarding enforcement bill having CA no. 400034748 it is submitted that the same was raised in the year 2005 on account of direct theft of electricity. As per the inspection report earlier at the subject premises electricity having connection old K.No. 1397444 was existing at site which was used for industrial purpose on ground, first and second floor and third floor of property no. F-11, Jawahar Park, Laxmi Nagar, Delhi for the purposes of sewing machine work. The bill was raised in the name of Kamruí Huda. The said bill was settled through settlement committee on 07.03.2007 but till date complete payment in terms of settlement has not been received.


4. Arguments of both the parties are heard.

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5. Representative of the complainant submitted that the dues asked by respondent do not pertain to him and he is not liable to pay the said dues. He also submitted architect certificate from the certified architect regarding height of the building. It is also his submission that he is owner of 50 sq yards of property out of 100 sq yards. Also, the property of Kamrul Huda whose theft bill is being asked from the complainant is the front side property and is owner of back side of property. He also submitted that OP had released new connections in the name of Kamrul Huda in the year 2020 despite of the fact that theft bill is pending against him. And the same theft bill OP is asking the complainant to pay for release of new connection.
6. LR of the OP submitted that the dues are on the same premises where complainant has applied for new electricity connection. Therefore, he is liable to pay the enforcement dues.
7. 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 the complainant applied for new electricity connection which OP rejected on the grounds that there are theft dues pending. It came to the knowledge of Forum that the theft dues are in the name of Kamrul Huda and OP has released new connections in the name of Kamrul Huda in the year 2020, despite pending theft dues. It also came to the knowledge of the Forum that in the year 2007 Kamrul Huda entered into a settlement with the BSES and settled the theft bill for Rs. 214000/- and also paid an amount of Rs. 50,000/-. Balance amount was to be paid in six equal monthly instalments amounting to Rs. 29416/- each. When Kamrul Huda settled the enforcement bill and also paid an installment for the same and still residing in the other portion of the premises, thus asking for his dues from the complainant is not justified.



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As far as other objection of the respondent regarding address in MCD suspected, OP neither submitted any details of the MCD booking in their reply nor have argued the same. Thus, the objection of MCD booking does not substantiate here.

8. Therefore, we are of considered opinion that the enforcement dues are not payable by the complainant and he is entitled for grant of new electricity connection in his name. Regarding height of the building, the complainant has placed on record architect certificate, certifying that the height of the building is less than 15 meters.

ORDER

Complaint is allowed. Respondent is directed to release new connection to the complainant after fulfillment of other commercial formalities as per DERC guidelines.

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.


Proceedings closed.


(S.R. KHAN)
MEMBER-TECH


(NISHAT AHMAD ALVI)
MEMBER-CRM


(P.K.SINGH)
CHAIRMAN


(P.K.AGRAWAL)
MEMBER-LEGAL


(H.S. SOHAL)
MEMBER

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Secretary
CGRF (BYPL)