

Consumer Grievance Redressal Forum

FOR BSES YAMUNA POWER LIMITED

(Constituted under section 42 (5) of Indian Electricity Act. 2003)

Sub-Station Building BSES (YPL) Regd. Office Karkardooma,

Shahdara, Delhi-110032

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SECY CHN 015 DRNKS

C A No. Applied for Complaint No. 210/2022

In the matter of:

Neera Gupta & OthersComplainant

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)

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. Imran Siddiqi, Ms. Shweta Chaudhary, Ms. Seema Rawat, Ms. Prama Kakkar & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 19th January, 2023

Date of Order: 20th January, 2023





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

1. Present complaint has been filed by the complainant alleging that complainant's application for new connection has been rejected on pretext of enforcement dues pending at the applied premises. Complainant, pleading that respondent has wrongly rejected her application for new connection; therefore, she has prayed this Forum for grant of her complaint by issuing directions to the respondent to allow her application for new connection.

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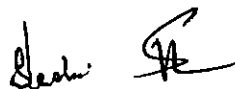

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2. The complainant in complaint stated that they are owners of property no. 246/26, Mandawli Fazalpur, Delhi-92 in which first floor is in the name of Vivek Gupta, Second floor in the name of Ms. Neera Gupta and third floor in the name of Ms. Shilpa Gupta and they all applied for new electricity connection vide request no. 8005770169, 8005770217 and 8005770234 and respondent visited the premises and rejected the new connection with the reason hat same site enforcement dues against CA No. 401273243 amounting to Rs. 1,07,151/- in name of Vandana Jha who is tenant and residing at the fourth floor of the said premises. Complainant further submitted that civil proceedings between the complainant's and Vandana Jha are pending before the Hon'ble Court at KKD, vide Civil Suit no. 1023/18. Therefore, complainant's application for new connection may be granted.
3. OP in its reply briefly submitted that complainant's sought fresh electricity connections vide request no. 8005770169, 8005770217 and 8005770234 in respect of first, second and third floor of premises bearing no. 245/26, Mandawali Fazalpur, Delhi. OP further submitted that premises were visited and deficiency letter were issued as enforcement dues of Rs. 1,11,729/- in respect of CA No. 401273243 are outstanding against the subject building which is owned by complainant Ms. Neera Gupta. Besides enforcement dues energy dues of Rs. 1,11,729/- in respect of CA no. 151199024 of Rs. 15755/-. As such complainant has to clear all the pending dues before grant of fresh electricity connections.
4. Heard both the parties and perused the record.
5. The issue in this matter is can new connection be released in the premises where enforcement dues of other portion are pending.

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6. Representative of the complainant submitted that they are owner of premises no. 245/26, Mandawali, Fazalpur, Delhi and applied for fresh electricity connection vide request no. 8005770169, 8005770217 and 8005770234 but OP rejected their application for new connections on pretext of energy and enforcement dues in name of Vandana Jha, who is tenant at fourth floor in the same premise and has illegally occupied the said portion in the premise. Representative of the complainant also apprised the Forum that there is civil case is pending between them and tenant Vandana Jha before Hon'ble Court at Karkardooma vide Civil Suit no. 1023/18.
7. On the other side, LR of OP submitted that since both energy and enforcement dues are pending at the applied premises and the complainant is owner of the premises and is liable to clear all the pending dues for release of new connections.
8. From the perusal of record placed before us and pleadings of both the parties we find that the complainant has to clear the outstanding energy dues of CA no. 151199024 of Rs. 15755/- in name of Shilpa Gupta at third floor of the same premises for grant of new electricity connection. We also observe that the enforcement dues against CA no. 401273243 in name of Vandana Jha amounting to Rs. 1,12,928/- are also pending at the applied premises. It also came to our knowledge that a Civil Suit Neera Gupta Vs. Vandana Jha, is also pending before ACJ cum CCJ cum ARC (East), Karkardooma Court.
9. Therefore, from the above deliberations we are of opinion that the complainant applied for new electricity connection on first, second and third floor of premises and for release of new connections the

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complainant has to clear the outstanding energy dues. Since the enforcement dues are of 4th floor of the applied premise and complainants applied for new electricity connection at the first, second and third floor therefore, cannot be asked from the complainant to clear the same. Also, the enforcement bill is in name of Vandana Jha and she is still in occupation of the 4th floor of the premise, same cannot be asked from the complainant to clear.

ORDER


The complaint is allowed. OP is directed to release the new connections to the complainant after payment of regular energy dues and completion of all the commercial formalities as per DERC Regulations.


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

The case is disposed off accordingly.

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

File be consigned to Record Room.


(NISHAT A. ALVI) (P.K. AGRAWAL)
MEMBER (CRM) MEMBER (LEGAL)


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


(P.R. SINGH)
CHAIRMAN