

C A No. 151668937
Complaint No. 70/2022

In the matter of:

Poonam DeviComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Jai Ballav, Complainant
2. Mr. Imran Siddiqi, Ms. Seema Rawat & Ms. Shweta Chaudhary,
On behalf of BYPL

ORDER

Date of Hearing: 05th May, 2022
Date of Order: 10th May, 2022

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

Briefly stated facts of the case are that the one connection installed at first floor of the premises is being misused at ground floor of same premises.

The complainant's grievance is that meter against CA No. 151668937 is installed at Ist floor of premises no. 1/229, Trilok Puri, Delhi-110091 and is being misused by person staying at the ground floor of the said premises. Therefore, he requested the forum to direct the respondent for immediate disconnect supply of CA no. 151668937 to avoid misuse of the same.

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Notices were issued to both the parties to appear before the Forum on 25.04.2022.

The respondent in their reply stated that CA no. 151668937 is registered in the name of Ms. Poonam Devi and present complaint is filed by Jai Ballav and the complainant has no locus to file present complaint as he is not the user/consumer of said connection and the complaint is liable to be dismissed.

Respondent further added that connection having CA No. 151668937 was sanctioned to Poonam Devi at premises no. 1/229, FF, Trilok Puri on 18.12.2015. The complainant made complaint in BSES division office regarding illegally extension of supply. It is further added that on complaint of complainant site was visited on 04.02.2022 and it was found that Ms. Poonam Devi is using the connection illegally at Ground Floor of the same premises which is initially granted for first floor of the same premises. Respondent issued a Notice regarding Illegal Extension of Electricity Meter no. 25225408, having CA No. 151668937 on 04.02.2022 to Smt. Poonam Devi.

The matter was listed for hearing on 25.04.2022, when complainant submitted certain list of documents before the Forum. He submitted property documents; registered sale deed dated 25.05.019 and wanted disconnection of connection of Poonam Devi. Complainant was also directed to provide copy of all these documents to respondent. Respondent was also directed to provide K.No. file of Poonam Devi.

The matter was finally heard on 05.05.2022, when respondent showed its inability to disconnect the electricity connection of Poonam Devi which is being misused at Ground Floor of the premises. The said connection was initially energized on first floor of the premises.

Devi

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Respondent also submitted that they made six visits to the premise of the complainant to disconnect the supply but due to resistance by Poonam Devi, they were unable to take any action. Arguments were heard and matter was reserved for orders.

The main issue in the present complaint is whether the extension done by Ms. Poonam Devi is illegal or not.

We have gone through the submissions made by both the parties. From the narration of facts and material placed before us we find as under

1. The connection having CA No. 151668937 was energized on 18.12.2018 in the name of Ms. Poonam Devi wife of Krishan Ballabh on the basis of Indemnity Bond and No Objection Certificate from Shankar Shah Son of Sh. Nathuni Shah.
2. The said connection was applied for H.No. 1/229, FF, Trilok Puri, Near Chand Cinema, Delhi-110091, which is now being misused at the Ground floor of the same premises.
3. The complainant Sh. Jai Bhallav got General Power Attorney in his name on dated 25.05.2019 through Sub Registrar VIII, Delhi.
4. The said GPA is between Sumitra Devi mother of complainant and Complainant himself.

In view of the above, we are of considered opinion that the connection was energized on the First Floor of premises no. 1/229, Trilok Puri and which is now being used at the ground floor of the same premises. Also, as per Section 52 (3) of DERC Supply Code 2017, which is narrated here below:





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52. Prevention from Unauthorized Reconnection:-

(3) In case the consumer indulges in unauthorized reconnection from the supply of any other consumer, the Licensee may initiate action as per provisions of unauthorized use of electricity against such consumer who has provided the supply:


Provided that the pending dues of disconnected connection shall be transferred to the account of consumer allowing such connection.


Therefore, we direct

1. Respondent is directed to take action as per above stated Regulation 52 (3) of DERC Supply Code 2017.

The case is disposed off.

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


(NISHAT AHMAD ALVI)
MEMBER (CRM)


(VINAY SINGH)
MEMBER (LAW)