



CA No. 150244171
Complaint No. 55/2022

In the matter of:

Vandana KaurComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mrs. Vinay Singh Member(Law)
2. Mrs. Monika Taneja, Member (CRM)

Appearance:

1. Mr. Neeraj Kumar, counsel of the complainant
2. Mr. Imran Siddiqi & Ms. Shweta Chaudhary on behalf of respondent

ORDER

Date of Hearing: 04th April, 2022
Date of Order: 06th April, 2022

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

Briefly stated facts of the case are that the complainant applied for name change but respondent rejected her application.

The complainant's grievance is that she purchased the property through sale deed and applied for name change of electricity connection having CA No. 150244171 vide request no. 8005312404 but respondent company rejected her application on pretext of Address in MCD objection list: occupancy cum completion certificate is required. Therefore, she requested the forum to direct the respondent for immediate put into force name change.

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Notices were issued to both the parties to appear before the Forum on 04.04.2022.

The respondent submitted their reply stating therein that the present case is regarding change of name of domestic category electricity connection vide CA No. 150244171 with meter no. 70317674 energized w.e.f. 04.11.2011 in the name of Ms. Vandana Kaur. The applicant Mrs. Piyu applied for name change in existing connection CA No. 150244171 for application no. 8005312404 at A-33, SF, Gali No. 10, West Vinod Nagar, Mandawali Fazalpur, Delhi-110092. During site verification it was found that the applied address for which name change application applied is falling in the objection list of MCD, therefore, the complainant has to submit completion certificate or NOC from the EMCD for name change. The application no. 8005312404 was rejected due to being the address of premises appearing in MCD objection list.

The matter was listed for hearing on 04.04.2022, when arguments of both the parties were heard and matter was reserved for orders.

Respondent vide their mail dated 05.04.2022 submitted copy of letter addressed to Secretary, DERC dated 09.03.2022, requesting therein for urgent regulatory guidance and issuance of interim directions in respect of grant and disconnection of electricity connections in cases of unauthorized construction and/or misuse of premises.

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

- The complainant purchased property no. A-33, SF, Gali No. 10, West Vinod Nagar, Mandawali Fazalpur, Delhi-110092 in the year 2020.

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- She applied for name change on 25.11.2021 vide request no. 8005312404 of already installed electricity connection in name of Ms. Vandana Kaur in the same premises.
- Complainant also submitted copy of her home loan documents disbursement of loan date as 19.10.2020.
- Respondent objected that the said building is booked by EDMC under unauthorized construction. Therefore, they cannot effect the name change.
- Respondent also submitted slip of EDMC list showing premises no. A-33/1 (part), Gali no. 5, Mandawali booked for under construction in the shape of GF and FF dated 20.08.2019.

As above we are of considered opinion that it shows respondent's negligence and carelessness by not changing the name because there is no provision in Section 17 of DERC Regulations 2017 regarding MCD/EDMC booking. ^{formally} The complainant is consuming the electricity and she has every right to get the name change done in her name and respondent has not submitted any document in this regard. Section 17 of the DERC Regulations 2017 is as under:-

17. Existing connections:-

(1) Transfer of connection

- (i) If any applicant wants transfer of connection due to any reason such as change of consumer's name due to change in ownership or occupancy of property, transfer to legal heir, etc. he shall apply to the Licensee in the prescribed format as notified in the Commission's Orders.
- (ii) Any deficiency in the application shall be intimated in writing. The application shall be accepted only on removal of such deficiencies.

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(iii) The request for transfer of connection shall not be accepted unless all recoverable dues in respect of the concerned connection are fully paid: Provided that once connection is transferred, no dues / arrears shall be recovered from the new consumer.

(iv) The change of applicant's name shall be effected within two billing cycles, after acceptance of application or clearing of dues whichever is later.

(v) If the change of applicant's name is not effected within two billing cycles, the consumer shall be entitled to seek and the Licensee shall be liable to pay the compensation as specified in Schedule-I of the Regulations.


It seems that the address of the booked property is different from the complainant's address. Also, EDMC booked property at Ground Floor and First Floor and this connection of complainant is installed at Second Floor which is different from the booked address. It seems that the property booked by EDMC is different from the property of the complainant. Forum further noticed that complainant has also taken home loan in October 2020 to but this property which itself is a proof.


So,

- We direct the respondent is to change name of complainant's connection within 15 days from the date of passing the order.
- The complainant is also entitled for compensation as per Schedule-I of DERC Supply code 2017 from February 2022 till the name change came into effect for delay in effecting the name change by the respondent.

The case is disposed off as above.

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


(MONIKA TANEJA)
MEMBER (CRM)


(VINAY SINGH)
MEMBER (LAW)