

**CA No. 151456255**  
**Complaint No. 11/2020**

**In the matter of:**

Varun Negi .....Complainant

**VERSUS**

BSES Yamuna Power Limited .....Respondent

**Quorum:**

1. Mr. Arun P Singh (Chairman)
2. Mrs. Vinay Singh, Member (Legal)
3. Dr. Harshali Kaur, Member (CRM)

**Appearance:**

1. Mr. Varun Negi, Complainant
2. Mr. Imran Siddiqi & Mr. B.B. Sharma, On behalf of BYPL

**ORDER**

Date of Hearing: 16<sup>th</sup> July, 2020  
Date of Order: 21<sup>st</sup> July, 2020

**Order Pronounced by:- Mrs. Vinay Singh, Member (Legal)**

Briefly stated facts of the case are that the respondent changed the name of the connection having CA no. 151456255, without intimation to him and without his knowledge.

It is also his submission that he is using electricity supply through CA NO. 151456255 since 2015. Respondent company changed the name of meter from Varun Negi to Rahul Negi and also changed the CA NO. from 151456255 to 152976712, without informing him regarding name change.

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Therefore, he requested the Forum to direct the respondent for reversal of name change.

Notice was issued to both the parties to appear before the Forum on 13.02.2020.

The respondent company submitted their reply stating therein that the present complaint is regarding change of name of electricity connection having CA No. 151456255 energized on 01.06.2015 in the name of Varun Negi s/o Vikram Negi at 49, GF, Gali No. 7, Dhiraj Block, South Ganesh Nagar, Delhi- 110092, without any intimation to the complainant.

Respondent also added that as per the documents submitted by the new user of the electricity connection; Sh. Vikram Negi owner of the property (is the owner of the whole property through GPA dated 24.06.1997) who is also the father of Varun Negi, issued GPA in the year August 2015 for the said premises in favor of Rahul Negi. The said connection was energized w.e.f. 01.06.2015 in the name of Varun Negi at the premise address as S/o Vikram Negi, 49, GF, Gali No. 7, Dhiraj Block, South Ganesh Nagar, Delhi-92.

It is also their submission that in the month of November 2019, Rahul Negi applied for change of name for the above said electricity connection by submitting the GPA for the aforesaid premise in his name. Accordingly, the name was changed from Varun Negi to Rahul Negi with new CA No. 152976712.

It was further added that Sh. Vikram Negi father of Varun Negi approached the division regarding the name change and accordingly was made aware of the facts and was requested to show original ownership documents of the said premises, which the complainant failed to produce.

It is pertinent to mention here that during the course of hearing it was directed

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that Sh. Rahul Negi be sent notice to appear before the Forum. Both Sh. Varun Negi and Sh. Rahul Negi were directed to produce original documents of the property. Respondent was also directed to bring original K.No. file and name change file.

The Forum further directed to Vikram Negi, the authorized representative of the complainant (father of the complainant) to produce original document of the entire property, which is under his possession. The AR of the complainant filed the photocopy of the GPA dated 24.06.1997, in favour of Sh. Vikram Negi (who is AR in the present case and also father of the complainant), but failed to produce original GPA. He also stated that the GPA filed by Rahul Negi is forged and he has not signed that GPA.

It was further submitted that the connection in the name of complainant was energized in August 2015 through GPA given by his father and AR in the present case.

The case was listed for hearing on 16<sup>th</sup> March 2020, when none was present on behalf of complainant and behalf of Mr. Rahul Negi.

The matter was given new hearing date on 09.04.2020, but due to Covid19, Forum was closed and hearing is now conducted on 16.07.2020 through video-conferencing. All the parties were issued notices through e-mail and messages. Rahul Negi again did not appear or join the meeting through video-conferencing.

On hearing dated 16.07.2020, the AR of the complainant submitted that name change should be reverted back to the name of Varun Negi, whose connection was energized in August 2015. He also submitted that he has also lodged a complaint in Mandawali Police Station vide complaint reference number 8168024072000012 dated 14.03.2020 against Rahul Negi for using forged documents.

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The issue in the present complaint is whether the name change done by the respondent without NOC or notice to the earlier registered consumer is correct or not.

The respondent has changed the name as per the documents and request made by Mr. Rahul Negi. The respondent lapsed at a point where they should issue a notice to Varun Negi (the complainant) before the name change and have asked for NOC from him.

**As per Section 17 of DERC (Supply Code and Performance Standard) Regulations 2017, Transfer of Connection which is reproduced as under:-**

- (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.
- (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.

**As per Tata Power Delhi Distribution Vs Neeraj Gulati, in the Hon'ble High Court of Delhi observed by Hon'ble Justice Mr. V.Kanswar Rao:-**

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*"The applicant shall apply for change of consumer in the former's premises as per Regulation as approved by the consumer from time to time alongwith the copy of latest bill duly paid.*

*The application shall be accepted on showing proof of lawful ownership and occupancy of the property NOC from the registered consumer or authorized representative/previous occupant/or registered consumer shall be registered for the cases involving transfer of security deposit in the name of the applicant. The licensee shall issue dated receipt of the application and the name change shall be affected within two billing cycle."*

But in the present case name was changed in the year 2019 which was done without NOC or notice to the registered consumer, it's not mentioned in Regulations, but for the principal of natural justice, notice or NOC should be asked by respondent, Hon'ble Supreme Court of India and High Court also decided by following the principal of natural justice.

After going through all the facts, the Forum find that the change of name from Varun Negi to Rahul Negi has been done without informing or without NOC of previous registered consumer who is complainant in the present complaint and the Forum also provided ample time to Rahul Negi to appear before the Forum and put his aspect, but he didn't turn up before the Forum.

So, the forum directed the respondent

- (1) The name of complainant should be reverted back in place of Rahul Negi in above mentioned premises.
- (2) Respondent is also directed for future, before changing the name always ask for NOC and issue notice to the party in whose name connection is running.

The case is disposed off as above.

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No order as to the cost. A copy of this order be sent to both the parties and file be consigned to record room thereafter.

The order is issued under the seal of CGRF.

The compliance should be reported within 30 days. The order is issued under the seal of Consumer Grievance Redressal Forum (BYPL).

  
(HARSHALI KAUR)  
MEMBER (CRM)

  
(ARUN P SINGH)  
CHAIRMAN

  
(VINAY SINGH)  
MEMBER (LEGAL)