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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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Complaint No.CG-34/07/2019

OM PRAKASH
Vs
BSES YAMUNA POWER LIMITED(D)YVR

ORDER SHEET

Date: 02.08.2019

Present:

1. Mr. Imran Siddiqi & Ms. Ritu Gupta, on behalf of BYPL
2. Counsel for the Complainant alongwith complainant

Complainant has filed his affidavit alongwith copy of plaint in compliance of previous directions of the Forum.

Respondent has submitted details of the dues pending on the said premises as per earlier deliberations of the Forum.

We have heard the parties at length and since case can be disposed rightaway as single issue is involved in the present case, order is being passed in open court.

Complainant has approached the Forum seeking release of new connection as applied by him on 28.03.19 which was rejected by the respondent as dues on property existed and needed to be cleared before releasing of new connection to him.

As per submissions of the complainant, he had applied for new connection in the year 1985 with erstwhile DESU but connection was not released to him. His premise was booked in theft of electricity on 04.04.16 and a penalty bill of Rs.40559/- was raised against him by the respondent. He had applied for new electricity connection on 11.04.16 which was not released to him. Again his

Ritu

Imran

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premises was booked in theft case of electricity on 06.12.18 and a penalty bill of Rs.43,802/- was imposed upon him. On 08.12.18, complainant settled the earlier bill of Rs.40,559/- against payment of Rs.21,000/- in National Lok Adalat wherein it was directed that new connection can be applied by him on payment of first instalment. Pursuant to this, as per complainant, he again applied for new electricity connection on 14.01.19 which was not released to him and he was told that outstanding theft bill of Rs.43,802/- was still pending against him and therefore new connection as applied cannot be released to him without clearing these dues. On 08.03.19, as per complainant, he settled the theft bill of Rs.43,802/- in Special Electricity Court and thereafter again applied for new electricity connection on 28.03.19 which was again not released to him.

Therefore, he made various representations to the respondent. Again on 07.05.19, he was booked for theft of electricity and a bill of Rs.46,000/- was given to him which was again settled by him on 02.05.19 before Special Electricity Court. However, again on 27.05.19, one more inspection report was received by him and again he visited the respondent for resolution of his grievance regarding release of new connection. As per complainant, he is a man of repute and leading a dignified life and because of the respondent, he is left without electricity from 11.04.16 till date. Through his complaint, he seeks that new electricity connection as applied by him be immediately released to him.

He has further submitted through an affidavit that he is occupying the first floor of the property and requested that he is not liable to pay the whole dues on the property which exist as per the respondent. On the other hand, respondent has submitted that dues on property are enforcement dues and since only PLA or Lok Adalat are authorized to deal with these issues, the Forum lacks jurisdiction to examine the same.

It is further emphasized by the respondent that as a settled law, first dues on property are to be cleared before a new connection is released on the same property and then only new connection can be released.

We have gone through the affidavit filed by the complainant alongwith the copy of order of Civil Judge. Undisputedly the complainant is residing on the first





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floor of the property since 1973 which he had purchased from Smt. Sukhdevi. However, in the year 2018, one Smt. Bugli Devi filed a petition against him which was dismissed as withdrawn. By these submissions, it is clear before us that since 1973, complainant and his family are in possession and occupancy of first floor of the property.

We have also examined the details of enforcement inspections conducted by the respondent since October 2015 till June 2019 pertaining to the complainant or his family members only. Since all these enforcement inspections listed before us are against the complainant and his family members, totaling upto 56 cases (excluding the ones settled by him) during the span of approximately 4 years. Clearly these dues are dues against the property which accrued due to theft of electricity. Hence, are outside the purview of the Forum.

Accordingly, in our considered opinion, the Forum lacks jurisdiction to examine the case in its present facts and circumstances.

Accordingly, complaint of the complainant is dismissed for want of jurisdiction.

However, since electricity connection cannot be released till the dues on property are cleared, therefore, complainant is at liberty to approach Permanent Lok Adalat or Lok Adalat to settle the dues and then he can apply for release of new connection.



(SMITA SHANKAR)
MEMBER (LEGAL)



(ARUN P. SINGH)
CHAIRMAN