

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 015/08NKS

C A No. Applied For
Complaint No. 63/2019

In the matter of:

Javed QureshiComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. The Complainant and Mr. Altamash, the objector
2. Mr. Imran Siddiqi, Mr. Prashant Tikadar & Mr. Achal Rathi,
On behalf of BYPL

ORDER

Date of Hearing: 06th November, 2019

Date of Order: 14th November, 2019

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

The complainant lodged a complaint in CGRF regarding inflated billing. It was his submission that he was having an electricity connection in his name bearing CA NO. 100508510, which was energized on 08.07.08 at H.No. 6408, GF, Quresh Nagar, Sadar Bazar, Delhi-110006 and the said meter was removed by the respondent for non-payment of dues. It was also his case that when he approached the respondent for reconnection of the said connection, respondent suggested him to apply for a new connection, which the complainant did vide Application no. 008003854264 on dated 29.4.19 and submitted requisite

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documents. The respondent took no action on his request and on enquiry he got to know that Sh. Altamash had objected the release of the connection. Complainant wrote letter to respondent on 15.05.19, clearly mentioning that Sh. Altamash is in no relation in respect of the premises wherein the complainant is residing since his birth with his family members. He further added that the service notification of the respondent showed "not to release connection without division confirmation" and also showed dues against CA No. 100508792 amounting to Rs. 58588/-, CA No. 100366909 amounting to Rs. 733/- and CA No. 400903204 amounting to Rs. 33160/-, whereas he has cleared all the dues with respect to CA No. 400903204 amounting to Rs. 38435/-vide three post dated cheques and the details of the cheques issued are as under:-

1. Cheque no. 184256 dated 13.08.19 for Rs. 19,215/-.
2. Cheque no. 184257 dated 13.09.19 for Rs. 9,600/-.
3. Cheque no. 184258 dated 13.10.19 for Rs. 9,620/-.

He requested the forum to direct the respondent company for installation of new electricity connection at the residential premises of the complainant and also any other order which this Forum deemed fit.

Notice was issued to both the parties to appear before the Forum on 23.10.19. The respondent has filed a reply on dated 21.10.19 as under:-

The complainant is seeking new electricity connection at premises no. 6408, GF, Quresh Nagar, Sadar Bazar, Delhi-6. The said property had two electricity connections bearing no. 100508510 and 100508792 in the name of complainant and his brother Aslam respectively. The said two connections were disconnected on account of non-payment of dues on 17.09.18. The complainant on disconnection started consuming electricity through CA NO. 100444399 registered in the name of Mr. Yusha, son of the complainant which was energized in the year 2003. Accordingly, after following the due process of law,



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the outstanding dues in respect of CA No. 100508510 were transferred to CA No. 100444399 which is installed at the ground floor of the property bearing no. 6409 and feeding the supply to premises no. 6408. The complainant never applied for re-connection of the connection having CA No. 100508510 and applied for new connection on 29.04.19 vide request no. 8003854264. However, on account of property dispute the new electricity connection request of the complainant was rejected and a deficiency letter was issued. Apart from the property dispute, the new electricity connection cannot be granted on account of outstanding electricity bills in respect of the property in issue. It was also their submission that when the complainant visited the office of the respondent he was duly explained that they receive one complaint from Mr. Altmash who claims to be owner of the property in issue and has filed voluminous documents in respect thereof. Besides property dispute, the new electricity connection cannot be granted on account of outstanding electricity bills in respect of the property in issue. Over the period of time the complainant and his son settled two bills, one pertaining to theft of electricity and another pertaining to transfer of dues of CA No. 100508510 and CA No. 100044399. Regarding dues of CA No. 100508792 the complainant inspite of being informed has refused to clear the same though the same pertains to property bearing no. 6408.

It is pertinent to mention here that Mr. Altamash, the objector was also present on both the hearings. The respondent was also directed to produce all the files of the connections present in the building and also the complainant is directed to file the original document of the property paper, because of the objection of Mr. Altamash claiming that the property belongs to his grandparents.

During the course of hearings the respondent was directed to produce all the files of the connections present in the building and also the complainant was directed to file the original documents of the property papers, because of the objection of Mr. Almtash claiming that the property belong to his grandparents.



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It was also brought to the notice of the Forum that a case related to property dispute is pending before the Hon'ble High Court of Delhi and fixed for hearing in the month of January 2020.

The complainant on 11.11.19 submitted his written arguments reiterating therein his original complaint. The complainant also refuted the contention of the respondent that they issued a deficiency letter to the complainant stating that his new connection application has been rejected. The complainant also stressed upon Section 43 of the Electricity Act 2003 and also cited judgments of various courts of India related to release of new connection. Following are the lists of the various courts. Judgments:

1. Sri Chandu Khamaru Vs Smt. Nayan Malik & Ors.
2. Kallol Kumar Das Vs Kanan Bala Das & ors.
3. Fashion Proprietor Aswani Kumar Maity Vs. West Bengal State Electricity Distribution Co. Ltd. & Others

The respondent company also submitted additional reply on 13.11.19 stating therein that the site of the complainant was visited on 08.11.19 and as per site report the complainant i.e. Mohd. Javed Qureshi is residing at the address 6408, GF, Quresh Nagar, Sadar Bazar, Delhi-6 and complainant is using the power supply from the meter no. 11431590, CA no. 100444399, registered in the name of Mr. Yusha, installed at premises no. 6409, GF, Qureshi Nagar, Sadar Bazar, Delhi-6. Respondent also submitted details of the connections installed at the premises where the complainant wants new connection. Details of the connections are as under:-

1. CA No. 152169814, Rizwan Qureshi, S/o Gayasuddin at 6411, FF
2. CA No. 152256772, Umra, W/o Altmash, at 6411, SF
3. CA No. 151461688, Chiraguddin, S/o Gayasuddin, 6411, SF
4. CA NO. 151867488, Mohd Ateeq, S/o Nasiruddin, 6411, SF



Handwritten signatures of the complainant and the respondent are present at the bottom of the page. The complainant's signature, 'Javed Qureshi', is on the left. The respondent's signature, 'Haseeb', is on the right, with a checkmark or 'V' symbol next to it.

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The objector Mr. Almtash, also submitted his submission which was taken on record in which he submitted that Javed is tenant of his grand-father. He had applied for new connection at the premises no 6408, where already two connections were installed and now are removed on non-payment of dues.

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

That there is a property dispute case, which is pending before the Hon'ble High Court of Delhi and is fixed for hearing in the month of January 2020.

That the complainant stressed upon Section 43, of the Electricity Act 2003, and case of Madhu Garg & Ors. Vs. NDPL:-

- Section 43 says (Duty to supply on request): --- (1) 1[Save as otherwise provided in this Act, every distribution] licensee, shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply.

Respondent also submitted details of the disconnected connections whose dues are pending on the premises of the complainant, where the complainant had sought new connection. Details are as under:-

- (i) CA No. 100508792, in the name of Mohd Aslam, S/o Haji Fareed, 6408, FF, Gali Kallu Wali, Qasab Pura, Sadar Bazar, Delhi-6, disconnected on 17.09.2018 having dues of Rs. 58930/-, (Mohd Aslam is brother of complainant which is clearly evident from the copy of Rashan Card submitted by the complainant)
- (ii) CA No. 100366909, in the name of Mohd Frid, 6408, Mohalla Bari Masjid, Quasab Pura, Delhi-6, disconnected on 01.03.2001, having dues of Rs. 733/-.

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- (iii) Meter tempering bill against CA No. 100508510, in the name of Javed Qureshi (here complainant), current dues Rs. 35568/-.
- (iv) Total dues pertaining to premises no 6408 are Rs. 95231/-.

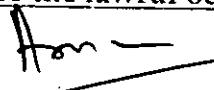
Issue in the present case is for grant of a new connection to the complainant. Arguments of both the parties were heard. Matter of Madhu Garg & Ors Vs. NDPL: - in this case the petitioner was granted a fresh electric connection as decided by the Hon'ble High Court of Delhi. But in the present case, the situation is different, here the complainant is enjoying electricity through another connection which is installed in his son's name (Yusha) vide CA No. 100444399. The said connection is installed at premises no. 6409 (which is a shop) and complainant is using electricity at premises no. 6408.

It is also clear through the judgment of Himachal Pradesh High Court, in the matter of Madan Lal Vs State of Himachal Pradesh & Ors. Where it was stated that the right to water and electricity supply is an integral part of right to life under Article 21 of the Constitution of India.

We find that the complainant is enjoying the right of electricity since 2003 through electricity connection in name of his son Yusha vide CA No. 100444339. The complainant also had two more connections one in his own name and other in name of his brother Mohd Aslam, both the connections are disconnected on account of non-payment of dues.

The complainant has not come with clean hands before the Forum; he had more than one connection in his premises and also have vested interest of enjoying Electricity Subsidy granted by Government of NCT of Delhi.

As per Chapter III New and Existing Connections 10(1)(vi) of DERC Supply Code and Performance Standards 2017, "wherever one dwelling unit has been sub-divided and separate kitchen as well as separate entry is available, second electric connection may be given to the lawful occupant."



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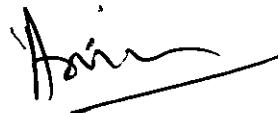
Further, as per 10(4)(i) of the above Regulations, "where property/premises have been legitimately sub-divided, the owner/occupier of the respective portion of such sub-divided property shall be entitled to obtain independent connection in his name."

The complainant also failed to provide the complete chain of property papers which the Forum asked ^{him} to produce. It is very surprising that respondent released so many connections at same premises no. 6408, and complainant is enjoying benefit of subsidy. Neither the premises of the complainant are sub-divided nor is a separate dwelling unit.

Since the complainant is in occupancy of the premises no 6408 since long, this Forum cannot deny him new connection. Thus the Forum directs the respondent company to release the new connection of the complainant subject to clearance of all the below stated dues which are on the premises no 6408.

- (a) Dues amounting to Rs. 58930/-, against CA No. 100508792 in the name of Mohd Aslam, brother of the complainant.
- (b) Dues amounting to Rs. 733/-, against CA No. 100366909, in the name of Mohd Frid, father of the complainant.
- (c) Dues amounting to Rs. 35568/- against meter tempering bill, in the name of Javed Qureshi Complainant.

Apart from these dues of Rs. 95231/- (total of all the three dues stated above) the complainant should clear all the requisite commercial formalities as per DERC Guidelines 2017 for grant of new connection. The Forum directs the complainant that the connection vide CA No. 100444339 in the name of Yusha, (son of the complainant) installed at 6409 which is a shop, should apply for category change from domestic to non-domestic.



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Case is disposed off as above.

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

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)