



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. 64/2021

In the matter of:

Raju PalComplainant

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. Mr. Raju Pal, Complainant
2. Mr. Imran Siddiqi, On behalf of BYPL

ORDER

Date of Hearing: 23rd July, 2021
Date of Order: 29th July, 2021

Order Pronounced by:- Mr. Arun P Singh, Chairman

Briefly stated facts of the case are that the complainant applied for new electricity connection but the respondent rejected his application for new connection.

It is also his submission that he applied for new electricity connection vide order no. 8004835541 on 05.03.2021 but the respondent rejected his application of new connection because of pending dues of their neighbor. Therefore, he requested the Forum to direct the respondent company for immediate release of the new connection.

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He further submitted he made various visits to the office of the respondent but no one paid any heed to his complaints. Therefore, he requested the Forum to direct the respondent company for immediate removal of the transferred dues.

Notices were issued to both the parties to appear before the Forum on 23.07.2021.

The respondent submitted their reply submitted therein that in the present complaint complainant applied for new electricity connection vide application no. 8004835541 at house no. 240-B, Ground Floor, Gali No. 3, Lal Dora, Mandawali Fazalpur, Near Mohan Baba Mandir, Delhi-110092. The said request for the new connection was rejected due to the premises for which the new connection is applied, outstanding dues were found at the applied premises. The said dues pertains to theft of electricity were in respect to CA No. 400021872, in the name of Smt. Rameshwari Devi amounting to Rs. 239223/- including LPSC. The complainant was also duly intimated about the same. The complainant was also served with deficiency letter mentioning above deficiencies.

Respondent also mentioned Regulation 10 and 11 of DERC (Supply code and performance standards) Regulations, 2017 pertains to grant of new electricity connection. In terms of the said Regulations, it is mandatory for the applicant to first clear the outstanding electricity dues before his/her application for the grant of new electricity connection be accepted and or approved as per DERC Guidelines.

It is also submitted that as per site visit report four meters are installed in the premises but all the connections installed bear the address no. 236A, Mandawali Fazalpur, Delhi-2, which is a different address from the address of the complainant. Hence, at the time of release of that connection, dues which they have asked from the complainant to clear did not show in the record of the complainant.

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The matter was heard on 23.07.2021, when both the complainant and respondent were present. Respondent filed their reply and raised objections that this Forum has no jurisdiction as per Electricity Act. Respondent also filed that they have energized four connections in the name of Mahendri Devi till the year 2019. In the same premises DT was also booked in the year 2006. Respondent seems to be negligent at the time of granting the connections in the name of Mahendri Devi.

As per GPA the property is 240-B instead of 236 on which the connection was granted and the registered sale deed dated 22.02.2021. Vijender Pal and Angoori Devi is also sharing 240-B.

The observation is made in the present case all the attorney given by Sh. Vijender Pal to Mahendri Devi on dated 02.04.2017, both are husband and wife. As per record of property bearing no. 240-B and Aadhar Card is also on 240-B. This is clear cut case of misrepresentation and negligence on the part of respondent. Respondent seeks three days time for filing certain documents, same is granted. Arguments heard case is reserved for orders.

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 respondent has raised objection regarding Jurisdiction of the Forum in the present matter. This case pertains to release of new connection for ten square yard (8.36 sq. m) area shop purchased through registered sale deed on 22.02.2021 from Vijender Pal R/o 240-B, Gali No. 3, Mandawali Fazalpur, situated on address itself. On application for new electricity connection by the complainant, the respondent as per their inspection report dated 05.03.2021 (date of site visit) found that four electricity connections already exist on that property of more than 300 sq. yards.

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Later, as per respondent's record these four connections were identified as CA No. 101006517, CA No. 101025480, CA no. 152875702 and CA No. 152875703, all released in the name of Mahendri w/o Vijender Pal with address of Mahendri on her Aadhar Card as 240-B, Gali No. 3, Mandawali Fazalpur, Delhi-110092. On the basis of GPA between Vijender Pal in favour of Mahendri w/o Vijendra Pal both resident of 240-B, Gali No. 3, Mandawali, Fazalpur, Delhi-92, but address of the property was given as 236-A, Gali No. 3, Pal Mohalla, Mandawali, Fazalpur, Delhi-92. These connections were released in November 2006 and July 2019 (two numbers each). On the basis of the records submitted by the respondent and the inspection report dated 05.03.2021, the electricity dues against the property at 240-B, Gali No. 3, Mandawali should have been claimed from the then owner/occupant of the property Vijender Pal, who sold a small portion approx three percent area of that property in the form of ten square yard shop to the mother of the complainant through Registered sale deed on 22.02.2021, yet the respondent demanded full amount of the electricity dues from the complainant for release of new connection in clear violation of provisions in law/DERC Regulations. Thus the present matter which pertains to release of new electricity connection, on payment of charges as fixed by DERC Regulations, is within the jurisdiction of the forum.

The inspection/site visit report dated 05.03.2021, clearly mentions that there already were four number electricity connections installed on the property bearing no. 240-B, Gali No. 3, Mandawali, Fazalpur, Delhi-92, yet the respondent preferred to ignore all the facts available in records with them and failed to raise demand bill/note for release of this new connection as per provisions in the DERC Regulations 2017. Relevant provisions are given below.

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Regulation 10 - New and Existing Connections

(4) Sub-divided Property:- (i) Where property/ premises have been legitimately subdivided, the owner/occupier of the respective portion of such sub-divided property shall be entitled to obtain independent connection in his name.

(ii) The Licensee shall provide the connection, to the applicant of respective portion of the legitimately sub-divided property, on payment of outstanding dues on pro-rata basis for that portion, based on the area of such sub-division or as mentioned in sub-division agreement, and the Licensee shall not deny connection to such applicant on the ground that dues on the other portion(s) of such premises have not been paid, nor shall the Licensee demand record of last paid bills of other portion(s) from such applicant(s).

11. New Electricity Connection:- The Licensee shall process the application for new connection, within the time frame as specified in these Regulations.

(3) Load Sanction and Demand Note:-

(i) Save as otherwise provided in the Act or these Regulations, the Licensee shall sanction the load as requested by the applicant.

(ii) The Licensee shall raise the demand note to the applicant, within 2 (two) days of the field inspection subject to rectification of defects/deficiencies, for applicable charges, giving its breakup under the heads such as Service Line cum Development (SLD) charges, Security deposit, security towards pre-payment meter, road restoration charges, reconnection charges, etc. after giving due adjustment for the registration cum processing fee collected, if any, at the time of submission of the application: Provided that in cases where consumer contribution is required for augmentation of network, the demand note shall be raised by the licensee within 10 (ten) days of the field inspection. (iii) The applicant shall make payment within 2 (two) days of the receipt of the demand note.

(iv) In case the applicant finds difficulty in making the payment within 2(two) days, the applicant may request the Licensee, in writing, for an extension of time for a maximum period of 15 (fifteen) days.

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(v) The Licensee shall be under obligation to energise the connection on receipt of full payment against the demand note subject to the condition that the time extended under sub-regulation

(iv) above shall not be counted in working out the total time taken for energisation of connection by Licensee nor the consumer shall be entitled to seek any compensation for such extended period. DERC (Supply Code and Performance Standards) Regulations.

Accordingly, the complainant (the applicant for new connection) was liable to pay outstanding dues on the pro-rata basis only i.e. approx three percent of the dues and the respondent should have raised demand note accordingly, yet the respondent insisted for whole amount of electricity dues from the complainant and did not raise the demand note.

The respondent neither made any efforts to recover these electricity dues nor initiated criminal proceedings as per Electricity Act and DERC Regulations during the period 2006-2021, i.e. for almost 15 years and preferred to ignore their inspection report dated 05.03.2021 and documents with them, hence in our considered opinion they have forfeited their right to claim late payment surcharge on the original dues amount of Rs. 66,435/- at least from the complainant, who has been unnecessarily harassed for last more than four months, however, the complainant is liable to pay pro-rata amount of actual dues i.e. one thirtieth of Rs. 66,435/- i.e. Rs. 2215/- against the outstanding dues for the property situated at 240-B, Gali Bo. 3, Mandawali, Fazalpur, Delhi-92.

The respondent is directed to release the electricity connection as applied by the complainant on payment of Rs. 2215/- (Rupees two thousand two hundred fifteen only) against the outstanding electricity dues alongwith schedule charges and completion of other formalities as per DERC Regulations/guidelines.

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The case is disposed off as above.

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)



(VINAY SINGH)
MEMBER (LAW)



(ARUN P SINGH)
CHAIRMAN

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