



C A No. Applied for
Complaint No. 410/2024

In the matter of:

Aruna

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P. K. Singh (Chairman)
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. S.R. Khan, Member (Technical)
4. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Mr. Akash Swami, Mr. R. S. Bisht & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 7th January, 2024

Date of Order: 13 January, 2024

Order Pronounced By:- Mr. P.K. Agrawal, Member (Legal)

1. The brief fact of the case giving rise to this grievance is that the complainant applied for new electricity connection and at premises no. T-3-B, First Floor, Gali No.-10, Anand Parbat, Industrial Area, Delhi-110005, vide requests no. 8006962156 & 8006962154. The application of complainant was rejected by Opposite Party (OP) BYPL on the pretext of Energy dues against CA/meter consent to establish from DPCC (for Industrial/Commercial) and DPCC Certificate required,

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CGRF (BYPL)

1 of 5

Complaint No. 410/2024

but complainant stated that she is ready to submit DPCC Certificate and on the other hand, the respondent has illegally demanded pending dues of CA no. 100070527. Therefore, she requested Forum to direct the respondent for release of new connection and revise the bill amount against above CA.

2. The respondent in reply briefly stated that the present complaint has been filed by the complainant seeking two new electricity connections at the property bearing no. T-3-B, First & Second Floor, Gali No.-10, Anand Parbat, Industrial Area, Delhi-110005, vide requests no. 8006962156 & 8006962154 and revision of electricity bill against CA No. 100070527. The applications of the new connections were rejected on account of **Firstly**; same site existing energy dues against CA No. 100070527 registered in the name of Ms. RAM INTERNATIONAL PA and this connection admittedly pertains to Husband of the complainant. **Secondly**; Legal and Valid DPCC Certificate needs to be submitted. **Thirdly**; Incomplete and invalid title documents.

Respondent submitted that the alleged title document submitted by the complainant are not legally binding and are defective as the lease deed states that the subject property was held by Ramjas Foundation vide Lease Deed dated 01.06.1978 and one Dilip Kumar was the lessee of the lease hold property but the complete title chain of the property belonging to the Foundation being transferred to a single individual has not been annexed. Also, a valid and binding list of legal heirs issued by the competent authority has not been annexed. In totality of these circumstances, the entire title chain becomes defective and suspicious.

Reply further added that in terms of GPA dated 20.06.2009 the aforesaid property wherein property has been transferred by one Rakesh Singh in favour of Aruna, complainant herein give rise to suspicious as for the same property two set of title documents exist which discredits the entire case of the complainant on this count itself.

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Secretary
CGRE (BYPL)

2 of 5

Complaint No. 410/2024

3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the complainant has prayed to give the entire record of CA No. 100070257 for alleged due but despite again and again request, the respondent has not provided such details of the said connection so far and when the husband of the complainant was expired on 12.08.2003 and since then the premises are closed and no activity has been running thereupon. The respondent illegally raised the demand amounting to Rs. 5, 24,590/-. Complainant has already submitted the DPCC to the respondent. Complainant stated that the lease deed in respect of the property qua the allotment of the plot was also in favour of the husband of the complainant, legal heirs executed a Relinquishment Deed dated 06.03.2024 in the favour of the wife of Sh. Dilip Kumar and relinquished their entire share in her favour. Complainant did not know about the execution of the GPA and complainant has no knowledge or concern with the said GPA and in fact, the same has not executed in the name of the complainant.

Rejoinder further added that a lease deed has been executed in the name of the husband of the complainant in the year 1978 and thereafter, the husband of the complainant expired in 2003 and later on, a Relinquishment Deed has been executed by Mr. Dhiraj Atariwal, Ms. Neha Atariwal and Ms. Megha Atariwal in favour of Smt. Aruna Atriwal in respect of the said property who are son and daughters of the complainant.

4. Heard arguments of both the parties at length.

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Secretary
CGRF (BYPL)

3 of 5

Complaint No. 410/2024

5. From the narration of facts and material placed before us, we find that the application of the complainant for new connection has been rejected by OP on three grounds namely, Dues against CA no. 100070527. Valid DPCC Certificate and Incomplete and invalid title documents.

6. Against the objections of OP, the complainant has cleared the dues of CA No. 100070527 and also placed copy of paid bill.

Regarding second objection of OP, valid DPCC certificate, the complainant has also filed the same.

The third objection of OP was invalid title documents, against which the complainant filed NOC from the Ramjas Foundation. OP was given time to verify the same. But OP has neither filed the verification nor objected the same.

7. Thus, in view of the above, we are of considered opinion that all the objection raised by OP are fulfilled by the complainant, therefore, we don't find any further hindrance in releasing the new connection to the complainant. In the facts and circumstances aforesaid, we are of the view that the respondent may be directed to provide the connection.

ORDER

The complaint is allowed. Respondent is directed to release the new connection applied by complainant vide applications no. 8006962156 and 8006962154 at premises no. T-3-B, FF and SF, Gali No. 10, Anand Parbat Industrial Area, Delhi-110005 after completion of all the commercial formalities as per DERC Regulations 2017.

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Secretary
CGRF (BYPL)

4 of 5

Complaint No. 410/2024

This Order shall be complied within 21 days of the receipt of the certified copy or from the date it is uploaded on the Website of the Forum; whichever is earlier.

The parties are hereby informed that instant Order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order.

If the Order is not appealed against within the stipulated time, the same shall be deemed to have attained finally.

Any contravention of these Orders is punishable under Section 142 of the Electricity Act 2003.



(H.S.SOHAL)
MEMBER



(P.K. AGRAWAL)
MEMBER (LEGAL)



(S.R. KHAN)
MEMBER (TECH.)



(D.R. SINGH)
CHAIRMAN

5 of 5

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CGRI (BYPL)