



C A No. Applied For
Complaint No. 84/2024

In the matter of:

Dinesh Gupta

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

1. Mr. Suraj Aggarwal, Counsel of the complainant
2. Ms. Ritu Gupta, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 16th April, 2024
Date of Order: 29th April, 2024

Order Pronounced By:- Mr. P.K. Singh, Chairman

1. This complaint has been filed by Sh. Dinesh Gupta, against BYPL-Karkardooma. The brief facts of the case giving rise to this grievance are that the complainant Sh. Dinesh Gupta applied for name change vide request no. 8006681060 for CA No. 154093795 at premises no. C-108, SF, Anand Vihar, Delhi-110092, but respondent rejected the application of the complainant for name change on the pretext of requirement of valid documents.

Attested True Copy

Secretary
CGRF (BYPL)

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2. The respondent in reply briefly stated that the complainant is seeking name change in his favour in respect of CA No. 154093795 installed at property no. C-108, second floor, Anand Vihar, Delhi-110092 from existing registered consumer i.e. Mr. Ayush Gupta.

Reply further stated that complainant applied for name change vide request no. 8006681060 and same was rejected as no link of documents/chain of ownership provided at the time of release of new connection and the documents now provided for name change purpose. OP further added that on 23.03.2023, new electricity connection bearing CA No. 154093795 was granted, and the applicant while applying for new connection submitted the registered conveyance deed and as per the conveyance deed the ownership is in favour of Smt. Indra Gupta of property bearing no. C-108, Anand Vihar, who granted NOC in favour of Sh. Ayush Gupta for release of new connection. As per said NOC Sh. Ayush Gupta is son-in-law of Indra Gupta.

Now the connection in question is sought to be transferred in the name of complainant on the basis of chain of documents as under:

- a) Notarized SPA dated 20.10.2001 issued by Gulshan Nagpal in favour of R.K. Gupta and complainant i.e. Dinesh Gupta.
 - b) Notarized GPA dated 07.05.2009 issued by Sh. R.K. Gupta and complainant i.e. Dinesh Gupta in favour of Ayush Gupta i.e. registered consumer of subject connection.
 - c) Notarized GPA dated 18.10.2023 issued by Ayush Gupta i.e. registered consumer of subject connection in favour of complainant i.e. Dinesh Gupta.
3. Counsel of the complainant file NOC from Ayush Gupta in favour of Dinesh Gupta, stating therein that Ayush Gupta have no objection if the change of name with security transfer of CA no. 154093795 in favour of Mr. Dinesh Gupta.

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4. Arguments of both the parties are heard at length.
5. 17. Existing connections:-
- (1) Transfer of connection
- (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.
6. From the narration of facts and material placed before us we find that Dinesh Gupta applied for name change of CA no. 154093795, in the name of Mr. Ayush Gupta, residence of C-108, 2nd floor, Anand Vihar, Delhi, with the allegation that Dinesh Gupta has given the Power of Attorney in favour of Ayush Gupta, on the basis of which this electricity connection was given.
- Now Ayush Gupta has given Power of Attorney in favour of flat owner Dinesh Gupta, therefore name of Ayush Gupta should be changed as Dinesh Gupta.
7. From the perusal of K.No. file of CA No. 154093795, filed by OP, it shows that one Indra Gupta has authorized Ayush Gupta, in this residence C-108, 2nd floor, Anand Vihar, Delhi, for the new connection.

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Therefore, the name of Ayush Gupta cannot be changed in the name of Dinesh Gupta. Both Ayush Gupta and Indra Gupta has given No Objection Certificate in favour of Dinesh Gupta regarding name change of this connection having CA No. 154093795.


8. Therefore, the name change shall be made applicable as per the application of the complainant with the condition that if near future there is any dispute among the family members; OP shall be free to disconnect the electricity supply to the said connection.


ORDER

The complaint is allowed. OP is directed to make the name change effective from Ayush Gupta to Dinesh Gupta on the basis of affidavit filed by the complainant in his favour from Ayush Gupta and Indra Gupta, also after completion of all the commercial formalities as per DERC Regulations 2017 and an undertaking from the complainant that if in near future there is any dispute among the family members regarding this connection, OP shall be free to disconnect the electricity supply to the said connection.


The case is disposed off as above.

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


(S.R. KHAN)
MEMBER-TECH


(P K SINGH)
CHAIRMAN


(P.K.AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER