

C G R F



B Y P L

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

Phone: 32978140 Fax: 22384886

E-mail: cgrfbypl@hotmail.com

C A No. Applied For Complaint No. 42/2024

In the matter of:

Harish Pal

.....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)

Appearance:

1. Mr. Nishikant Ray, Counsel of the complainant
2. Mr. Deepak Pathak, Mr. R.S. Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 25th July, 2024

Date of Order: 31st July, 2024

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

1. The brief facts of the case giving rise to this grievance are that complainant Harish Pal applied for new electricity connection at premises no. 2A-34/4, GF, North Ghonda, Delhi-110053, vide application no. 8006629230. The application of consumer was rejected by Opposite Party (OP) BYPL on the pretext of requirement of MCD Objection, energy dues and enforcement dues exist.

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CGRF (BYPL)

1 of 6

Complaint No. 42/2024


The complainant denies the allegations of OP as alleged in their deficiency letter. He submits that neither his property is booked by MCD nor there are any pending dues against his property. He also submits that property no. A-34/2, GF, FF, Kh. No. 167, 170 and 180,, Main Gamri Road, North Ghonda, Delhi-110053 in the name of Sundari and Bablu is booked and the said property is entirely different from the his property.

2. Respnodetn in its reply submitted that the complainant applied for grant of domestic connection at premises bearing flat no. 34/4, GF, North Ghonda, Delhi-110053 and the application of the complainant for new connection was rejected on the following grounds:

- a) That the record of OP reveals that there was a connection having CA No. 152141508 in the name of Bhagmali Devi which was removed in sealing drive on 11.09.2019.
- b) The chain of documents reveals that the applicant purchased property from one Sh. Ashok who in turn had purchased the property from Bhagmali Devi. In the essence, thus, the complainant is successor in interest of the said RC Bhagmali Devi.
- c) The record also reveals that on subject premises there exist enforcement dues of CA NO. 401579435 amounting to Rs. 12,485,012/- and CA no. 401579434 of Rs. 150,101/-.
- d) Energy dues are also pending amounting to Rs. 30,105/- against CA no. 153005896.

3. Counsel of the complainant in its rebuttal refuted the contentions of OP as averred in their reply and reiterated his original complaint. He also submitted that the connection having CA no. 152141508 was removed in the year 2019 and till date no dues are pending against the said CA no. He also states that the dues demanded by OP do not pertain to him and he is not liable to clear these dues.

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CORP (D.V.M.)

Complaint No. 42/2024

4. Heard both the parties and perused the record.
5. The issue is whether the connection of the complainant vide application number 8006629230 can be released?
6. Before disposing off the application of the complainant, it is relevant to discuss the rules and regulations applicable to this issue.

Regulation 10. New and Existing Connections:-

(3) Proof of ownership or occupancy of the premises:- Any of the following documents shall be accepted as the proof of ownership or occupancy of premises:-

- (i) certified copy of title deed;
- (ii) certified copy of registered conveyance deed;
- (iii) General Power of Attorney (GPA);
- (iv) allotment letter/possession letter;
- (v) valid lease agreement alongwith undertaking that the lease agreement has been signed by the owner or his authorized representative;
- (vi) rent receipt not earlier than 3 (three) months alongwith undertaking that the rent receipt has been signed by the owner or his authorized representative;
- (vii) mutation certificate issued by a Government body such as Local Revenue Authorities or Municipal Corporation or land owning agencies like DDA/L&DO;
- (viii) sub-division agreement;
- (ix) For bonafide consumers residing in JJ clusters or in other areas with no specific municipal address, the licensee may accept either ration card or electoral identity card mandatorily having the same address as a proof of occupancy of the premises.

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Complaint No. 42/2024

7. OP in its additional submissions submitted that the complainant has filed two chain of documents regarding ownership:

- a) GPA dated 24.08.2023 executed by Mr. Ashok s/o Zile Singh in favour of Harish Pal-complainant.
- b) GPA dated 11.09.2019 executed by Smt. Bhagmali Devi w/o Sh. Zile Singh in favour of Sh. Ashok s/o Zile Singh.

Reply further stated that a connection bearing CA No. 152141508 was installed at premises bearing no. A-34/4, GF, Khasra No. 167, 170, 180, Main Gamri Road, Near Dispensary, Delhi-110053. The RC of the said connection was Bhagmali Devi. The said connection was installed on 30.03.2017. The K.No. file of the said connection reveals that Smt. Bhagmali Devi purchased this property measuring 450 sq yards as per GPA dated 22.06.1995. The said no. 34/2 and 34/4 are self generated number and not the Municipal number and these numbers have been assigned by the family of Zile Singh and Bhagmali Devi to get the connection and avoid the legal objection of MCD and payment of dues existing on the premises.

The meter of CA No. 152141508 was removed on 06.09.2019 in sealing drive of MCD of the list of property dated 03.09.2019 alongwith Delhi Police and intimation thereof was given to Police. The documents of meter removal IR dated 06.09.2019.

The said meter was removed on 06.09.2019 and GPA was executed by Smt. Bhagmali Devi on 11.09.2019 in favour of his son Ashok, and Ashok sold the said property to Sh. Harish Pal in 2023.

by  Ashok



4 of 6

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CGRF (BYPL)

Complaint No. 42/2024

Respondent further submitted that there exist dues of two enforcement bills: a) misuse -tariff violation bill in the name of Naushad Tenant of Jagveer of CA no. 153005896 RC Sundari w/o Jagveer (Jagveer is son on Zile Singh and Bhagmali) for an amount of Rs. 126990/- at premises A-34/2, GF, Khasra No. 167, 170, 180 Gamri Road, North Ghonda, Delhi-110053.

Direct theft bill in the name of Israful tenant of Bablu s/o Zile Singh for an amount of Rs. 10,420,658/- of address A-34/2, Kh. No. 167, 170, 180 Gamri Road, North Ghonda, Delhi-110053.

Energy dues/Regular bills arrears also pending with respect to CA no. 153005896 in the name of RC -Sundari installed at A-34/2, Kh. No. 167, 170, 180 Gamri Road, North Ghonda, Delhi-110053.

8. As above, for release of new electricity connection OP has raised three fold deficiencies, firstly, the property of the complainant was sealed in the year 2019 by the order of Asstt. Commissioner EDMC dated 03.09.2019. The meter was removed during EDMC sealing drive conducted today on 06.09.2019 in the area of PS Bhajanpura, meter no. 25319488 removed.

Secondly, pending enforcement dues of misuse and direct theft amounting to Rs. 1,26,990/- and Rs. 10,420,180/-.

Thirdly, there are pending energy dues against CA no. 153005896.

9. During the arguments, the counsel of the complainant alleges that his property is different property and all the dues are pertaining to property no. 34/2 whereas he has applied for new electricity connection on property no. 34/4 but has not placed any evidence on record in support of his contention.

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CGRF (BYPL)



Complaint No. 42/2024


10. In view of above, we find that the complainant failed to prove his contention that it is not his property which is booked in sealing drive; neither has placed on record any de-sealing orders. OP's contentions that both the properties are same and the dues are payable by the complainant for release of new electricity connection. Thus, rejection of application of new connection of the complainant is justified. The complainant can be granted new electricity connection on the production of proof of de-sealing orders and payment of pending energy and enforcement dues.


ORDER


The complaint is rejected. OP has rightly rejected the application of new connection of the complainant.

The case is disposed off as above.

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



(NISHAT A ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


(S.R. KHAN) 11/7/24
MEMBER (TECH.)


(P.K. SINGH) 20/7/24
CHAIRMAN

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6 of 6