

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-11003
Phone: 32978140 Fax: 22384881
E-mail: cgrfbypl@hotmail.com
SECRETARY

C A No. Applied For
Complaint No. 73/2024

In the matter of:

Ismat Nafis

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

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

ORDER

Date of Hearing: 28th May, 2024

Date of Order: 03rd June, 2024


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

1. This complaint has been filed by Ms. Ismat Nafis against BYPL- Chandni Chowk. The brief facts of the case giving rise to this grievance is that the complainant applied for new electricity connection vide request no. 8006695196 at premises no. 2906-2908, 1st Floor, Gali Sakun wali, Shah Ganj, Ajmeri Gate, Mohalla Clinic, Shah Ganj Delhi-110006. The application of the complainant was rejected by

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CGRF (BYPL)



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OP on the pretext of BCC/Architect Certificate for height of Building, Enforcement Dues.

2. The respondent in reply briefly stated that new electricity connection has been applied by the complainant vide request no. 800665196 at First floor of 2906-2908, Gali Sakun Wali, Shah Ganj, Ajmeri Gate, Near Mohalla Clinic, Delhi-110006. OP further added that upon receiving the request from the complainant, site inspection was done and it was found that there are outstanding dues against the said premises in respect of CA no. 100209430 (energy dues) and CA no. 400452150 (theft bill, enforcement dues) which need to be cleared as precondition for grant of new connection as per Supply Code 2017 and also as building structure is ground plus four floors as such architect certificate of approved MCD architect is required in respect of height of the building, as in case of building having effective five floors height of the building may be more than the permissible height of 15 meters without stilt parking.

The complainant accepted her liability as far as energy dues are concerned but has refused to clear the enforcement dues which admittedly also pertain to applied premises on the pretext that as the OP had withdrawn the criminal case against the previous owner it should recover the dues by way of execution from the previous owner. In this regard it is stated that the theft bill was settled in Lok Adalat for Rs. 82,700/- against which two installments have been received but that does not absolve the liability. The new connection as per the law will be released only on payment of outstanding dues. The complainant is liable to clear the dues of previous owner failing which no new connection can be provided.

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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 OP filed case before Special Electricity Court and after the Special Court did not settle the case, the case was withdrawn by OP for filing execution against the complainant/previous owner.
4. Heard both the parties and perused the record.
5. The request of new connection of the complainant was rejected by OP on three grounds firstly; energy dues against CA No. 100209430, secondly BCC/Architect Certificate for height of building (GF+4) and third the Enforcement Dues against CA No. 400452150.
6. Regarding the first objection of OP, the complainant agreed to pay the energy dues as demanded by the complainant.
OP has objected regarding the height of the building which may be more than permissible height of 15 meters without stilt parking. Respondent itself is not sure whether the building height is more than 15 meters or not, since the complainant has applied for new connection on the first floor and under domestic category, there is no requirement of Architect Certificate.
Regarding the enforcement dues, since it is admitted that theft was booked on the same premises and the erstwhile owner approached PLA for settlement of the theft bill, which he settled for Rs. 82700/-. Out of the settled amount Maqsood Hussain, the erstwhile owner of the premise made two payments of Rs. 10,000/-each. Now OP is claiming, balance of Rs. 62700/- from the complainant for release of new electricity connection.

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In view of above, we are of considered opinion that since the enforcement dues are already settled by the erstwhile owner of the property in PLA court, and regarding further relief in this matter the complainant has to approach PLA only as this Forum has no jurisdiction to entertain the complaint's which are already decided in any other Court or Forum. The relevant Regulation from THE DELHI ELECTRICITY REGULATORY COMMISSION (Forum for Redressal of Grievances of the Consumers and Ombudsman) REGULATIONS, 2018 is narrated below:

13. Limitation of Jurisdiction of the Forum

(1) The Forum shall not entertain a grievance if it pertains to the same subject matter for which any proceedings before any court, authority or any other Forum is pending or a decree, award or a final order has already been passed by any competent court, authority or forum.

7. From the narration of facts and material placed before us we find that The counsel of the complainant stated that he is ready to pay the energy dues of Rs. 6,679/- against CA No. 100209430 (now disconnected connection). Regarding the pending Enforcement dues the complainant should approach appropriate court or Forum for further relief.



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ORDER

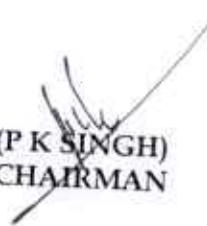
The complaint is partially allowed. OP is directed to release the new connection to the complainant after payment of pro-rata dues and OP should not ask the complainant for submission of Architect Certificate.

Regarding pending enforcement dues, the complainant should approach appropriate court or forum for any further relief or settlement.

The case is disposed off as above.

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


(S.R. KHAN)
MEMBER-TECH

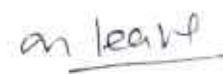

(P.K. SINGH)
CHAIRMAN


(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM

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CGRF (BYPL)


(H.S. SOHAL)
MEMBER