

C A No. Applied for
Complaint No. 370/2024

In the matter of:

Kamal Vinayak

.....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. Ma. ~~chan~~ Lal, Counsel of the complainant along with complainant
2. Mr. Akash Swami, Mr. R.S. Bisht, Mr. Sanjeev Saroha & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 20th March, 2025

Date of Order: 25th March, 2025

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

1. The brief facts of the case giving rise to this grievance are that the complainant approached the Forum for grant of new electricity connection vide request no. 8006980185 at premises no. 100-B, UGF Gali no. 12, Shankar Nagar Extension, East Azad Nagar, Delhi-110051. The request of the complainant for new connection was rejected by OP on the grounds of site visit not complete and premises locked/number not reachable/consumer out of station.

Attested True Copy

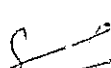
Secretary
CGRF (BYPL)


Complaint No. 370/2024

2. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking new connection for premises bearing address 100-B, UGF, East Azad Nagar, Shankar Nagar Extension, Krishna Nagar, Delhi-110051 vide application no. 8006955535. The said application of the complainant was rejected on the following grounds that there exist same site multiple enforcement dues,
Ground + five floors mix use building and
Complainant has not filed valid title or ownership documents and filed a lease deed which is already expired.
3. On hearing dated 19.09.2024, Mr. Kamal Vinayak, was present in person in the Forum and stated that the application for new connection was given by Mr. Rakesh and now Mr. Rakesh has left the premises and Mr. Kamal Vinayak, owner of the property wants connection in his name.
4. Upon this OP objected that first application was of tenant, therefore owner cannot make second complaint in place. The complaint was not valid due to mis-joinder of the parties. The Forum vide order dated 24.09.2024 Under Chapter 3 of DERC (Forum for Redressal of grievances of the consumers and Ombudsman) Regulations 2018, allowed Mr. Kamal Vinayak to be treated as complainant.
5. Mr. Kamal Vinayak, filed a fresh complaint and stated that he applied for new electricity connection vide request no. 8006955535 which was rejected by OP on the grounds that there are multiple enforcement dues. The complaint further stated that the complainant is residing at UGF and have no concern with the bills of other floors. OP on 01.09.20223 has already installed a new electricity connection vide C A no. 15422088 in the name of Reshma Bano on third floor of property in question and CA no. 15426622 in the name of Balvinder Singh on 21.09.2023.

Attested True Copy

Secretary
CGRF (BYPL)







2 of 8

Complaint No. 370/2024

6. Another connection in the name of Jyoti Rani was installed on 29.09.2023. These three connections were installed by OP after imposition of enforcement dues.
7. During the course of arguments, OP was directed to file additional submissions explaining why dues of others are being asked from the complainant, and details of the connection existing at UGF or FF.
The complainant was also directed to file building map showing who are the occupants and owners of the floors in the building and also file an affidavit that they are not connected with Mr. Ramesh, whose dues are being asked from them.
8. As per the orders of the Forum the complainant filed building structure, showing that there are two shops on the ground floor measuring 9*18 ft. On UGF, area is 80 sq. yards which is with the complainant Kamal Vinayak and this portion has no electricity connection. First floor is with Ms. Jyoti Rani, w/o Ramesh Kumar, where CA no. 154253991 is installed. On Second floor connection having C A no. 151912009 in the name of Suman w/o Vijay Gupta is installed. On third floor connection having CA no. 154228088 in the name of Reshma Bano w/o Vakil Mohd is installed.
9. Alongwith site map, the complainant also filed an Affidavit by Sh. Rakesh Kumar. The affidavit stated that Sh. Kamal Vinayak, s/o Sh. Sant Lal Vinayak, purchased the above said property i.e. 100-B, UGF Gali no. 12, Shankar Nagar Extension, Krishna Nagar, Delhi-110051 from Surabhi Malhotra D/o Sh. Deepak Malhotra, r/o 27, street no. 2, Shankar Nagar, Krishna Nagar, Delhi-110051.

Attested True Copy

Secretary
CGRF (BYPL)

3 of 8

Complaint No. 370/2024

10. The said affidavit is signed by Rakesh, in whose name the complaint was made and who was shown as tenant in the property and has left the property therefore the present complainant Mr. Kamal Vinayak came into the picture.
11. OP filed its additional submissions in which they stated that the complainant is seeking DX connection on UGF floor of the applied premise bearing address 100-B, East Azad Nagar, Shankar Nagar Extension, Krishna Nagar, Delhi-110051. OP raised following set of objections which they required to be cleared by the complainant before release of new electricity connection.
- i) Mixed use commercial G+5 structure having height more than 15 meters, thereby mandating Fire NOC to be submitted in terms of Rule 27 of DFS.
 - ii) Meter already exists vide meter no. 35878211 at applied site i.e. First floor, which is now being claimed as UGF. The K.No. files of all other connections released at site clearly demonstrate that the applied structure is first floor and not the UGF as alleged by the complainant.
 - iii) Multiple enforcement dues are pending. All the enforcement bills show either the user was tenant of Ramesh or tenant of Rakesh.
 - iv) Ramesh Kumar and Rakesh Kumar are sons of Faquir Chand and one Jyoti Rani is wife of Ramesh Kumar. The entire property belongs to complainant only who by interpolating the title deeds amongst each other.
 - v) OP further submits in view of aforesaid disputed facts which strictly mandate a full-fledged trial and the same cannot be adjudicated in summary manner before learned Forum.

Attested True Copy

Secretary
CGRF (BYPL)

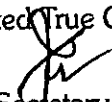
4 of 8

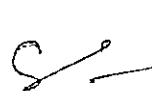
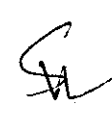

Complaint No. 370/2024

12. OP submitted K.No. files of all the connections installed in the building along with building plan. As per the site plan submitted by OP, shows that the premise in question has two way entry, and the details are as under:

- i) One entry opens in Gali no. 12, Shankar Nagar Extension and other side opens in Gali no. 9, East Azad Nagar.
- ii) Ground floor of the property has two shops and one residential unit. One shop has NX connection vide meter no. 35874793 in the name of Balvinder Singh.
- iii) First floor, which the complainant claims as UGF is of area 66.88 sq meters have only one dwelling unit and already a connection in the name of Jyoti Rani exists in the said portion vide meter no. 35878211.
- iv) Second, third, fourth and fifth floors of the building have two residential/dwelling units each.

13. 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 complainant applied for new electricity connection on the Upper Ground Floor of property bearing no. 100-B, Gali no. 12, Shankar Nagar Extension, East Azad Nagar, Delhi-110051. In support of his ownership/occupancy proof of the said portion the complainant along with his application filed a sale deed dated 12.06.2023 in his favour. The complainant purchased the said property from Surabhi Malhotra. The back chain of the property shows Surabhi Malhotra purchased the property in question from one Mr. Anil Kapoor on 10.12.2021 and the witness in the said sale deed is by Rakesh Kumar s/o Sh. Fakir Chand, R/o 100-B, Gali no. 12, Shankar Nagar extension, Krishna Nagar, Delhi-110051 who was stated as to be tenant of the said property.

Attested True Copy

Secretary
CGRF (BYPL)

   5 of 8

Complaint No. 370/2024

14. We also find that since filing of the complaint in the Forum, the complainant has deliberately mixed up to material facts. There are two sets of property documents with regard to the property in question. One set of documents filed by Jyoti Rani bearing no. 100-B, first floor, purchased from Anil Kapoor on 25.03.2022 on the basis of which she got electricity connection in her name on 20.09.2023 for which first floor has been shown just above the ground floor in the K.No. file and related inspection report.. The other set of documents is filed by the complainant Kamal Vinayak showing the said first floor as Upper Ground Floor, purchased from Surabhi Malhotra on 12.06.2023 which has came to her on 10.12.2021 from Anil Kapoor. Sale deed of Anil Kapoor-Surabhi Malhotra has not been placed on record by the complainant. Kamal Vinayak leased the property to Rakesh Kumar on 11.06.2023. According to the joint inspection report done on 04.12.2024, this UGF is first floor shown in Jyoti Rani's documents became UGF in the Kamal Vinayak's documents. The plot size is 66.88 sq. m. is also same in both the cases as the building is same.

As per the site visit report filed by OP, there is only one dwelling unit at first floor/upper ground floor which is already energized with electricity connection having CA no. 154253991. Floors from second till fifth have two dwelling units on each floor.

Interestingly in this case, Sh. Rakesh Kumar s/o Sh. Fakir Chand sold UGF in 4 storey building to Sh. Anil Kapoor s/o Lt. Sh. Narender Kapoor on 17.09.2020. Sh. Rakesh Kumar was the GPA holder of his brother Sh. Ramesh Kumar. This Sh. Anil Kapoor sold UGF in 4 storey building to Ms. Surabhi Malhotra on 10.12.2021. Ms. Surabhi Malhotra sold UGF in 4 storey building to Sh. Kamal Vinayak on 12.06.2023.

Complaint No. 370/2024

15. Creating confusion, Sh. Anil Kapoor sold 1st floor in 4 storey building on 25.03.2022 to Mrs. Jyoti Rani which is just above the ground floor. Sh. Anil Kapoor had purchased this property from Sh. Ramesh Kumar s/o Sh. Fakir Chand on 20.02.2019. Mrs. Jyoti Rani procured electricity connection for this floor (first floor/upper ground floor).

According to the OP, second floor is in the name of S. Suman (CA no. 151912009). Third floor (CA No. 154228088) is in the name of Reshma Bano who purchased property from Ramesh Kumar s/o Fakir Chand on 04.05.2017, whose sale deed shows 3rd floor in 4 storey building. According to IR of this case, this is 3rd floor. Second connection on 3rd floor was given to Sita Devi in 2012, for which at that time, IR showed terrace above 3rd floor. It proves the OP's case that no. of floor has been reduced from first floor to UGF for accommodating top floor connection (MCD 15 meter restriction). There was no UGF when first floor, second floor and third floor connections were given. Fourth floor was shown vacant without any electricity connection. Now, IR done in the present case shows fifth floor also which seems to be constructed in violation of MCD Rules.

16. While on the one hand we see that the whole property belonged to Ramesh Kumar and Rakesh Kumar who constructed the floors and sold them one by one. On the other hand the OP has submitted the multiple enforcement dues bills which pertains to tenants of Ramesh Kumar and Rakesh Kumar for the direct theft on GF, FF, SF, 4th F and 5th F. In most of these bills the address has been shown as Gali no. 12, East Azad Nagar, which matches with the address of Balvinder Singh, Jyoti Rani and Reshma Bano, who have been given electricity connections in this very building only. This building has approaches from Gali no. 9 East Azad Nagar and Gali No. 12, Shankar Extension.

Attested
S.
CGF

7 of 8

Complaint No. 370/2024

The complainant has asked connection showing his address as Gali no. 12, Shankar Extension. It is proved beyond doubt that DT bills pertain to this building only. We are not going into details of those bills as this is beyond the Jurisdiction of the Forum.

17. In view of the above deliberation, we are of considered view that the complainant has forged the documents to get an electricity connection. The complainant has tried to mis-lead the Forum by hiding the facts of the case and producing forged evidence. Also, the complainant Rakesh Kumar is legal heir of Fakir Chand who is shown as tenant in the property before the Forum. The Forum has taken strict view of this act of the complainant. Therefore, OP has rightly rejected the application of the complainant for new connection.

ORDER

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

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.

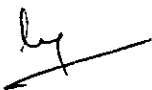
Any contravention of these Orders is punishable under Section 142 of the Electricity Act 2003.



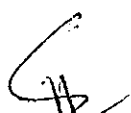
(H.S. SOHAL)
MEMBER



(P.K. AGRAWAL)
MEMBER (LEGAL)



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



(P.K. SINGH)
CHAIRMAN

