



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
SECY/CHN/015/08/NS

C A No. Applied for
Complaint No. 150/2024

In the matter of:

Krishna Mohan

.....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. Nishat Ahmad Alvi (CRM)

Appearance:

1. Mr. Subodh Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 16th May, 2024

Date of Order: 24th May, 2024

Order Pronounced By:- Mr. S.R. Khan, Member (Technical)

1. This complaint has been filed by Mr. Krishna Mohan against BYPL-LNR. The brief facts of the case giving rise to this grievance is that the complainant applied for new electricity connection vide request no. 8006773777, at premises no. 26-B, Upper Ground Floor, J&K Block, Laxmi Nagar, Delhi-110092, but respondent rejected the application of the complainant for new connection on the pretext of "Dues at Site and Address in MCD objection list", Complainant stated that alleged dues of

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CA No. 152457661 pertains to ground floor and she has applied for upper Ground floor further he stated that said property is old construction and occupied premises. Therefore, she requested the Forum to direct the respondent for release of new connection.

2. OP in its reply briefly stated that the present complaint has been filed by the complainant seeking a new connection vide request no. 8006773777 on the upper ground floor of property bearing no. 26-B, Upper Ground Floor, J&K Block, Near MCD Primary School, Laxmi Nagar, Delhi-110092. The subject premises were inspected and it was found that the subject building consists of ground floor and four floors over it with a mummy on top. The floor sequence is taken as the ground floor, upper ground floor, first floor and so on. The applied portion is the upper ground floor and effective second floor if the ground floor is taken as the first floor. The applied new domestic connection was rejected due to existence of same site energy dues of CA No. 152457661. Upon calculation of the share on a pro-rata basis, the complainant is liable to pay Rs. 12,971/-. Reply further added that CA No. 152457661 is registered in the name of Sh. Nikhil Nagpal with billing address as 26-B, Ground Floor, J&K Block, Laxmi Nagar, Delhi-110092. The total amount outstanding against the said connection is of Rs. 64,859/-.

3. In response to the reply, the complainant filed rejoinder refuting therein the contentions of the respondent as averred in their reply. The counsel for the complainant stated that the complainant is the owner of Upper ground floor without roof rights of property bearing No. 26-B and the OP is claiming for dues in respect of CA No. 152457661 of ground floor (non-domestic) which does not pertain to the complainant in any manner.

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Complainant is not under the liability to pay the above said alleged dues because one shop is situated on ground floor and the said shop was owned by one Mr. Nikhil and from whom the complainant is not having any concern or relation. The alleged dues do not pertain from the applied premises of the complainant in any manner.

4. Arguments of both the parties are heard and perused the record.
5. From the narration of facts and material placed before us we find that OP has rejected the application of the complainant for new connection on the pretext of pending pro-rata dues amounting to Rs. 12,971/-. The dues amounting to Rs. 64,859/- are of CA No. 152457661 for non-domestic category registered in the name of Sh. Nikhil Nagpal. It is also submitted that the building is old constructed. Since the complainant has applied for new electricity connection on the upper ground floor and dues are pending on the ground floor.

It is admitted fact that the building is not newly constructed it's an old construction. The sale deed placed on record also shows that the complainant became owner of the said property in the year 2013 and the connection of Nikhil Nagpal was energized in the year 2018 which is after almost five years after the purchase of property by the complainant. Therefore, transfer of dues on the complainant is not justified.

As per Regulation 10. New and Existing Connections:-

(5) Reconstruction of Existing Property:-

(v) Any new connection to such reconstructed premises shall be given only after the outstanding dues attributed to the premises are duly paid by the applicant: Provided that in case such reconstructed building is occupied by multiple owners, the treatment for new connection(s) to such multiple owners in the reconstructed building

shall be given as if the property is sub-divided as in Regulation 10(4).

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6. As above, the dues were to be equally divided among the other occupants of the premises if the building was re-constructed. Here, in the present case, the building is not re-constructed. Therefore, dues asked by OP from the complainant for release of new electricity connection are un-justified and unlawful. The same cannot be asked by from the complainant. OP should recover the dues from the ground floor shop owner only.

ORDER


The complaint is allowed. OP is directed to release the new electricity connection as asked by the Complainant vide request no. 8006773777, should be granted without asking the complainant for payment of pro-rata amount and after fulfillment of all the other commercial formalities as per DERC Regulations 2017.

OP is further directed to file compliance report within 21 days from the date of this order.

The case is disposed off as above.

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


(NISHAT A ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN



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