

C A No. Applied For
Complaint No. 306/2024

In the matter of:

Marchella DasComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Ritika Gupta, Mr. R.S. Bisht & Ms. Chhavi Rani, on behalf of respondent.

ORDER

Date of Hearing: 06th August, 2024

Date of Order: 12th August, 2024

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

1. The present complaint has been filed by Marchella Das against BYPL-Laxmi Nagar. The brief facts of the case giving rise to this grievance are that the complainant applied for category change of existing domestic meter vide request no. 8006903948 at premises no. Plot no. 13-N, No. 19, Block-H, Garhwa' Mohalla, Laxmi Nagar, Delhi-110092.

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but respondent rejected the application of the complainant on the pretext of building structure ground plus five, supply use on top floor and building height more than 15 meters, BCC required.

2. OP in its reply briefly stated that the complainant is seeking category change from non-domestic to domestic vide request no. 8006903948 in respect of electricity connection bearing CA No. 100870433 claimed to be registered in her name. The said application of the complainant stands rejected for want of BCC or fire clearance certificate.

Brief facts of the case are as under:

- a) The subject connection was energized in the year 1984 in the name of complainant under domestic category.
- b) The said connection is no floor connection or to say no floor is mentioned in the billing address of the said connection.
- c) Category change from DX to NX happened due to misuse of said connection leading to issuance of enforcement bill bearing C A no. 401609349.
- d) Now complainant is seeking category change from NX to DX.
- e) Site visit was done and the supply of the subject connection was found at effective 6th floor of the subject premises which consists of ground floor + upper ground floor + four floors over it. On ground floor one DX unit was found along with parking and lift.

Reply further states that as building height is more than 15 meters as such fire clearance certificate or Building Completion Certificate is required. It is also submitted that as per misuse inspection report dated 09.06.2023 the building structure was ground plus three floors and the subject connection was found misused for construction purposes.

Attested True Copy


Secretary
CGRF (BYPL)

Besides the enforcement misuse case, in respect of subject connection there are two more enforcement cases, both of theft of electricity by way of meter tempering having CA No. 400909187 dated 23.04.2016 and CA no. 401634701 dated 01.11.2023.

Reply also states that all the three enforcement cases were settled before PLA wherein the ID card of the registered consumer of the subject connection was filed. The ID card of the complainant as filed in the present case is different person than that of registered consumer for same connection.

3. In response to the reply the complainant filed rejoinder. The complainant states that the property in question is entirely residential building and not commercial building, the connection having C A No. 100870433 is used for domestic purpose and complainant is paying commercial bills. Rejoinder further states that the stilt / ground floor is 75% used for parking purpose and only 25% is constructed. Thus there is no need for BCC as he is ready to submit Architect Certificate.
4. Heard arguments of both the parties.
5. From the perusal of the complaint filed by the complainant, it is clearly evident that the complaint performa of CGRF-BYPL is signed by Ms. Marchella Dessa and the ID proof is also of Ms. Marchella Dessa, whereas the name of the registered consumer and name of the complainant and bills placed on record are in the name of Marchella Das. OP along with its reply has filed ID proof of Mr. Marchella Das, who settled the enforcement bills in Permanent Lok Adalat.

6. In view of the above, we are of the considered opinion that there is mismatch between the name of the complainant and signature of the complainant on the complaint performa. It seems that the complainant has placed on record wrong identity, which makes this complaint of the complainant infructuous. We find discrepancy in the complainant.
7. Therefore, we feel that this complaint of the complainant is case of wrong identity, thus this complaint is dismissed as default with a liberty to the complainant to file a fresh with proper documentation.

The case is disposed off as above.

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


(P. K. SINGH)
CHAIRMAN


(S.R. KHAN)
MEMBER-TECH


(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI,
MEMBER-CRM)


(H.S. SOHAL)
MEMBER