



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: cgrfbyp@hotmai.com
SECY/CHN 015/08NKS

C A No. Applied For
Complaint No. 398/2023

In the matter of:

Mohd HaneefComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Ms. Shweta Chaudhary & Ms. Chhavi Rani, On behalf of BYPL

ORDER

Date of Hearing: 01st February, 2024
Date of Order: 06th February, 2024

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

1. This complaint has been filed by Mohd Haneef, against BYPL-DRG.

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2. The brief facts of the case giving rise to this grievance are that complainant Mohd Haneef, applied for new electricity connection vide request no. 8006497084 at premises no. 177, 1st floor, Gali Mata Wali Chhata Lal Mian, Delhi-110002 but respondent rejected his application for new connection on the pretext of Dues of CA no. 100455444, 401503138, 401565285 and pro-rata against CA No. 100208492 of Rs. 57310/- and address in objection list (dispute objection).

3. The respondent in reply briefly stated that the complainant is seeking new electricity connection in the capacity of tenant of Mohd Naeem for first floor of premises no. 177, Gali Mata Wali, chatta Lal Mian, Daryaganj, Delhi-110002 vide application no. 8006497084 on 23.08.2023. OP further added that upon receipt of the application of the complainant building was inspected and it was found that the building structure is ground +3 floors. The said building is a miscellaneous building i.e. having both domestic as well as commercial connections.

OP further added that the application of the complainant was rejected on account of ownership dispute as the said property was found in the dispute objection list created on account of letter dated 05.04.2022 received in the office of respondent on 11.04.2022 from Mohd Naeem whereby he claimed to be owner and had request BSES not to release any connection on account of landlord tenant dispute where to eviction order was passed in his favor. The said eviction order was for Mohd Ismail and it seems that complainant is newly inducted tenant however yet clarification is required to this effect from the landlord.

Outstanding dues of four electricity connections out of which two pertains to theft of electricity are pending. The details are mentioned below:

1. 100208492, Sayeed Ahmed, GF, Rs. 57,310/- pro-rata share out of Rs. 2,24,889/-.

Attested True Copy
g/s
Secretary
CGRF (BYPL)

[Signature]

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2. 401565285, Mohd Naeem, FF, Rs. 19440, enforcement dues.
3. 401503138, Ismail, FF, Rs. 37313/-, enforcement dues.
4. 100455444, Mohd Naeem, FF, Rs. 53,992/-.

OP also added that the complainant has submitted a GPA dated 13.08.2013 executed in favour of Mohd Naeem with respect to the first floor of the subject property. The outstanding dues pertain to first floor and one such bill is in the name of Mohd Naeem as mentioned above. The dues at serial no. 1 are only dues which are in issue and disputed by the complainant. From the record it is apparent that the connection in the name of Mr. Sayeed Ahmed was granted in year 1990 and further from other connections released in the property it is clear that all the relevant time there was only one electricity connection at the Ground Floor in the name of Mr. Sayeed Ahmed. The said connection was disconnected in year 2005 and after the revision of the bill an amount of Rs. 2,24,889/- was found outstanding against the said connection which is claimed on pro-rata basis floor wise.

4. Counsel of the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the dues at serial no. 2, 3 and 4 of reply of OP pertains to the complainant and he is ready to pay the same but dues at sl. no. 1 does not pertain to him, the said dues are of ground floor premises and are not recoverable from the complainant in any form. He also submitted that there are five electricity connections on different floors of the property in question.
5. Arguments of both the parties were heard at length.
6. The main issue in the present matter is that whether the pro-rata dues of disconnected connection having CA No. 100208492 in the name of Sayeed Ahmed are payable by the complainant or not.

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7. Before disposal of the present case the relevant Regulation applicable in the present case is discussed below:-

10. New and Existing Connections:-

(4) Sub-divided Property:-

(i) Where property/premises have been legitimately subdivided, the owner/occupier of the respective portion of such sub-divided property shall be entitled to obtain independent connection in his name.

(ii) The Licensee shall provide the connection, to the applicant of respective portion of the legitimately sub-divided property, on payment of outstanding dues on pro-rata basis for that portion, based on the area of such sub-division or as mentioned in sub-division agreement, and the Licensee shall not deny connection to such applicant on the ground that dues on the other portion(s) of such premises have not been paid, nor shall the Licensee demand record of last paid bills of other portion(s) from such applicant(s).

8. Here in the present case, according to the Index Report filed by OP the connection in the name of Sayeed Ahmed was released in the year 1981 and the address at that time was H.No. 177, GF, Chatta Lal Miya, Gali Mata Wali, Daryaganj, Delhi-110002. It clearly shows that the connection was specifically released for the use of ground floor only. OP has also not placed on record whether the premises are re-constructed or sub-divided, therefore above stated Regulation is also not applicable in the present case. Therefore, the disconnected connection in the name of Sayeed Ahmed whose pro-rata dues OP is asking from the complainant for release of new connection are not payable by the complainant. Regarding the other dues raised by OP, the complainant has cleared the enforcement dues and also placed on record PLA settlement letter, the dues against CA No. 100455444 in the name of Mohd Naseem,

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complainant is ready to pay the said dues.

Joe
Secretary
CGRF (BYPL)

S. A. Deob *Y. J. J.*

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9. Therefore, we are of considered opinion that OP should release the connection to the complainant without asking him to pay the pro-rata dues against CA No. 100208492 in the name of Sayeed Ahmed. And release him a revised bill against CA no. 100455444 in the name of Mohd Naseem by waiving of entire LPSC amount.

ORDER

The complaint is allowed. OP is directed to release the new connection to the complainant as above and after fulfillment of all the other commercial formalities as per DERC Regulations 2017.

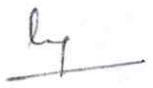
OP is further directed to file compliance report within 21 days from the date of this order..

The case is dismissed off as above.

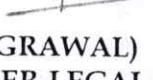
No order as to the cost. Both the parties should be informed accordingly.
Proceedings closed.


(P.K.SINGH)
CHAIRMAN


(S.R. KHAN)
MEMBER-TECH


(P.K.AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


on behalf
04/02/24
(H.S. SOHAL)
MEMBER