

C A No. Applied For
Complaint No. 298/2024

In the matter of:

Mohd Nasir

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

1. Mr. Akash Ruhella, Counsel of the complainant
2. Mr. Deepak Pathak, Mr. R.S. Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

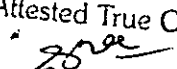
ORDER

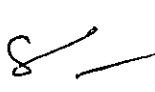



Date of Hearing: 10th September, 2024

Date of Order: 12th September, 2024

Order Pronounced By:- Mr. Nishat A Alvi, Member (CRM)

1. Present complaint has been filed by the complainant against rejection, of his application for new connection. The ground, OP rejected on, is that the subject premises have pending enforcement and energy dues. Complaint alleged that the dues are in the name of Smt. Sharda who herself is residing at the ground floor of the applied building and the

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dues may be realized from her only and not from the complainant. Therefore, the complainant has prayed for the directions of this Forum to grant the OP for release of the connections applied for.

2. In reply to the complaint, OP states that the complainant applied electric connection on the third floor of the premises bearing no. 68, Kh. No. 1/ETC/138, Shyam Gali No. 1, Maujpur, Delhi-110053. The request for connection was denied on pretext that there are pending dues of Rs. 1,09,526/- against CA no. 151442633, which the complainant is liable to clear before release of the new electricity connection. Moreover, the subject premises were purchased by the complainant from said Smt. Sharda w/o Mangal Singh itself vide GPA dated 13.01.2020 and the pending dues are also in the name of Smt. Sharda Devi, in whose name the subject connection was installed in said premises. The subject premises consist of G+5 and one room on 6th floor. Total 14 meters are exists in the said premises. There are two meters on third floor.
3. In rejoinder to this reply, in addition to the averments in the complaint, the complainant stats that Smt. Sharda the defaulter of the connection is herself residing at the ground floor of the applied premises. Therefore, the dues be recovered from herslef and the complainant is not liable to pay the said dues.
4. In support of their contentions, complainant has placed on record deficiency letter, and copy of Notarized GPA. On the other hand OP has placed on record site visit report, bill of disconnected connection of Sharda Devi which was installed on third floor of the subject premises and GPA of the complainant.

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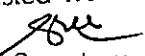
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OP has also placed on record list of 14 connections installed in the building. From perusal of the said list it is evident that none of the connection is in the name of Sharda Devi, thus it is difficult to ascertain that Sharda Devi is residing in the same building.

5. Heard both the parties and perused the record.
6. As per pleadings, the complainant applied for domestic connection on the Third Floor of premises no. 63, K.H. No. 1/ETC/138, Shyam Gali No.1, Maujpur, Delhi-110053 vide request no. 8006925369. Against the request OP issued a deficiency letter, thereby requiring clearance of pending dues amounting to Rs. 109525/- against disconnection connection vide CA No. 151442633 in the name of said Smt. Sharda from whom the complainant has purchased the applied floor of the subject premises. The plea of the complainant is that since the disconnected connection holder Smt. Sharda is very much residing on the ground floor of subject premises and is very much available. Therefore, the pending dues may be realized from her itself.
7. Going through the documents placed on record by both the parties, we don't find any proof, in support of complainant's contention that the said Smt. Sharda is residing therein, either in the form of any electricity connection of the GF in her name or any document of title/possession thereof. Even otherwise as per law the liability of electricity dues runs through the premises only where the connection was installed and is not a personal liability. Therefore, even if it is proved that Smt. Sharda Devi is residing on the ground floor of the subject premises, she cannot be asked to pay the pending dues of the third floor which she has sold to the complainant herself.

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8. On the basis of aforesaid findings, we don't find any substance in complainant's contention that he is not liable to pay the pending dues of his floor, thus the complaint is not maintainable in the eye of law.
9. Complaint is dismissed as not maintainable. File be consigned to record room.
10. No order as to the cost. Both the parties should be informed accordingly. Proceedings closed.

(S.R. KHAN) 12/9/24
MEMBER-TECH

(P.K. SINGH)
CHAIRMAN

(P.K. AGRAWAL)
MEMBER-LEGAL

(NISHAT AHMAD ALVI)
MEMBER-CRM

(H.S. SOHAL)
MEMBER

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