

# 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

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SECY/CHN 015/08NKS

C A No. Applied For  
Complaint No. 142/2023

**In the matter of:**

Mujeeb Ur Rehman .....Complainant

**VERSUS**

BSES Yamuna Power Limited .....Respondent

**Quorum:**

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

**Appearance:**

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

**ORDER**

Date of Hearing: 25<sup>th</sup> May, 2023

Date of Order: 05<sup>th</sup> June, 2023

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

1. Present complaint has been filed by Mr. Mujeeb Ur Rehman, against BYPL-PHG.
2. The brief facts of the case giving rise to this grievance are that complainant Mr. Mujeeb Ur Rehman, applied for new electricity connection vide request no. 8006061223 at premises no. 6540, 1st Floor, Main Road, Bara Hindu Rao, Delhi-110006.

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It is also his submission that respondent rejected her application for new connection on pretext of energy dues and enforcement dues against CA No. 100527178, 100388111 and 40025189 and these dues does not pertain to the complainant. Therefore, he requested the Forum to direct the respondent for release of new connection.

3. The OP in their reply briefly stated that the complainant is seeking fresh electricity connection for first floor at property bearing no. 6540, Main Road, Bara hindu Rao, Delhi. Complainant applied for new electricity connection vide application no. 8006061223 which was rejected vide deficiency letter dated 12.12.2022 wherein dues were claimed against CA No. 400025189, 100527178 and 100388111. The complainant objected the same and site was visited again on 10.02.2023 and it was found that two bills are outstanding against the subjected premises. The details of the pending bills are CA No. 100491139 in name of Mohd Amir, S/o Jamil Ur Rehman dues amounting to Rs. 32325/- and Amir, S/o Jamil UR Rehman dues amounting to Rs. 21,50,883/-.

OP further added that dues claimed are in respect of bills in the name of Sh. Amir who is brother of complainant and complainant is liable to clear the outstanding dues which pertain to same premises. The complainant has placed on record one release deed dated 09.03.1981 as proof of his ownership. The said release deed is in respect of half share of properties no. 6539, 6540 and common stairs no. 6541.

4. The representative of the complainant rebutted the contentions of the respondent as averred in their reply and submitted that the dues raised by OP does not pertain to him because he has applied for new connection on the first floor of the premises and dues are on ground floor.

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5. LR of the OP stated verbally that the dues are in the name of Mohd Amir who is brother of the complainant. OP further added that it's a joint property and all the brothers are staying in the same property therefore dues are payable by the complainant before release of new electricity connection.
6. As far as legal position is confirmed according to DERC (Supply Code and Performance Standards) Regulations 2017, Rule 10 (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).
7. In BSES Rajdhani Power Limited Vs Saurashtra Color Tones Pvt. Ltd. & ors., 2006, Delhi Law Times page no. 213, stated as under:

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Electricity is public property. Law in its majesty benignly protects public property and behoves everyone to respect public property. No doubt dishonest consumers cannot be allowed to play truant with the public property but inadequacy of the law can hardly be a substitute for overzealousness.

8. As decided by Hon'ble High Court and Supreme Court in many cases that the electricity charges cannot be waived off as decided by High Court of Delhi on 02<sup>nd</sup> March 2009 in the matter of Izhar Ahmed Vs. BSES Rajdhani Power Limited which is narrated below:-

"The intent of such a regulation is to ensure that electricity companies do not have to run around to recover their dues and any person who applies for re-connection makes payment of all dues including surcharges and payment of fraudulent abstraction charges before grant of new connection or reconnection of said premises."

9. From above discussions it is clear that complainant applied for new electricity connection at premises no. 6540, 1st floor, Main Road, Bara Hindu Rao, Delhi. From the perusal of documents placed on record it is evident that it is a joint property and owners are brother in relation, therefore, as per above mentioned regulations complainant has to clear dues before release of new connection.

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ORDER

The complaint is rejected. OP is directed, to waive off entire LPSC amount from the pending bill and also as per Regulation provide complainant pro-rata bill of his share in the property.

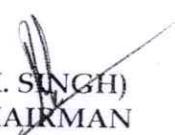
OP is further directed to release the connection to the complainant within stipulated time as per DERC Regulations once he clears all the pending dues raised against him.

Case is disposed off as above.

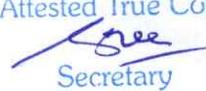
No order as to the cost. Both the parties should be informed accordingly.  
Proceedings closed.

  
(NISHAT A. ALVI) (P.K. AGRAWAL)  
MEMBER (CRM) MEMBER (LEGAL)

  
(S.R. KHAN) 16/13  
MEMBER (TECH.)

  
(P.K. SINGH)  
CHAIRMAN

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