

C A No. Applied For
Complaint No. 99/2023

In the matter of:

NooreshifaComplainant

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 (Technical)
5. Mr. H.S. Sohal, Member

Appearance:

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

ORDER

Date of Hearing: 27th July, 2023

Date of Order: 07th August, 2023

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

1. The complainant Ms. Noore shifa stated that she applied for name change vide request no. 8006055269 against connection installed at premise no. J-3/126-C, GF, J extension, Laxmi Nagar, Delhi-92 but respondent rejected her application for name change on the pretext of other property's pending dues.

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2. OP in its reply submitted that the complainant is seeking name change in respect of CA No. 101001551 from existing consumer to that of Nooreshifa i.e. the complainant. It was also their submission that the electricity connection bearing CA No. 101001551 exists at premises no. J-3/126-C, Laxmi Nagar, Delhi and at the same premises outstanding dues are pending against the following electricity connections:
 - a) CA No. 100896733 in the name Chhotey Khan
 - b) CA No. 400021607 in the name of Chhotey KhanThe due pertains to the same premises wherein the electricity connection in respect of which complainant applied for name change. For change of name the complainant has to clear the dues of Chhotey Khan.
3. Representative of the complainant rebutted the contentions of the respondent as averred in their reply and submitted that he is not liable to clear the outstanding dues against the said property and in fact, there are no outstanding dues upon the complainant. He also submitted that already three meters are installed in the applied premises in the name of Kauser Jaha, having CA no. 101032851 installed on 31.03.2007, Sher Mohd having CA No. 101035799 installed on 19.05.2003 at first floor and Ms. Shabina giving CA No. 101081101 installed on 18.12.2009 installed on second floor.
4. LR of the OP submitted that for name change, the complainant has to clear the dues of Chhotey Khan. OP also submitted site visit report dated 20.07.2023 on which husband of complainant submitted that he has shown OP the premises where dues are pending.

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5. From the perusal of material placed before us we find that the complainant became owner of ground floor of property no. J-3/126-C, J extension, Laxmi Nagar, Delhi-92 area measuring 41.80 sq meters in 2022.

The sale deed shows back chain of property from the year 2013 and the property chain prior to 2013 is not available on record therefore it cannot be ruled that the dues of Chhotey Khan are on the same portion where complainant has applied for name change, OP was twice directed to produce the account statement of dues of Chhotey Khan and details of theft bill which they are demanding from the complainant but OP failed to produce the both.

The DT bill placed on record is of the year 2006 and OP has released three connections in the premise of the complainant during the period 2006 to 2009. Now the question arises here why OP has not demanded the dues from the other occupants of the building.

The total area of the building is also not mentioned by any of the party.

OP has failed to provide any documentary evidence in support of their claim that the dues of Chhotey Khan are payable by the complainant.

Therefore, in absence of complete documents and lapse on the part of OP, the benefit is given to the complainant. OP is directed change the name of the connection in name of the complainant.

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ORDER

The complaint is allowed. OP is directed to change the name of the complainant within stipulated time period as mentioned in DERC Regulations 2017.

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

Case is disposed off as above.

No order as to the cost. Both the parties should be informed accordingly.
File be consigned to Record Room.

~~(P.K.SINGH)~~
CHAIRMAN


(S.R. KHAN)
MEMBER-TECH


(P.K.AGRAWAL)
MEMBER-LEGAL


NISHAT AHMAD ALVI
MEMBER-CRM


(H.S. SOHAL)
MEMBER

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Attested True Copy


Secretary
CGRF (BYPL)