



Consumer Grievance Redressal Forum  
FOR BSES YAMUNA POWER LIMITED  
(Constituted under section 42 (5) of Indian Electricity Act, 200  
Sub-Station Building BSES (YPL) Regd. Office Karkardoomi  
Shahdara, Delhi-11003  
Phone: 32978140 Fax: 2238488  
E-mail: cgrfbypl@hotmail.com

C A No. Applied For  
Complaint No. 258/2024

In the matter of:

Rajender

.....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. Neeraj Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 09<sup>th</sup> July, 2024

Date of Order: 19<sup>th</sup> July, 2024

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

1. Present complaint has been filed by the complainant against the rejection of his request for new connection on the third floor of premises no. 32/206, block-B, Trilok Puri, Delhi-110091. The request of the complaint vide no. 8006917575 is shown rejected on the ground of TF. The complainant alleges that the request for the connection was rejected wrongly and prayed for the directions to the OP to release the new connection applied for.

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2. In reply to the complaint, OP alleges that in pursuance to complainant's request vide no. 8006917575 for domestic connection subject premises were inspection and it was found that the subject building consists of ground plus three floors and the applied floor is third floor which is effectively 4<sup>th</sup> floor. It was also found as apparent from the videography done at site at the time of inspection also apparently shows that the subject premises and booked premises are the same. It is also alleged in the reply that the applied connection was rejected on two grounds namely,

- a) Same site energy dues of CA nos. 151015632 and 15234015, and
- b) Same site enforcement dues of total seven connections details whereof are as under:

S.No.	CA NO.	Floor	R/C	Amount
1	401650633	GF	Renu	15154/-
2	401652187	GF	Golu	8434/-
3	401650634	FF	Vandana	18980/-
4	401652188	FF	Kunal	19372/-
5	401650635	SF	Mukesh	19074/-
6	401652190	SF	Mukesh	14541/-
7	401650636	TF	Nasruddin	7573/-

Reply also states that complainant claims that as he is the owner of third floor only, therefore liable to clear the outstanding of third floor only. Reply further states that as per ownership documents in favour of the complainant, the complainant purchased third floor of the applied premises in the year 2022 from one Ms. Renu and her son Kunal and these documents show that the complainant is husband of Ms. Renu who is the owner of the entire building and daughter-in-law of Mrs. Kaushalya Devi - the original owner of this premises and this third floor document were created to avoid outstanding dues.

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3. In rejoinder to this reply, inter alia complainant denying his liability states that the energy dues of CA No. 151015632 pertains to GF only which is in the name of Renu and the enforcement dues of CA no. 401650636 in the name of Nasruddin tenant of Rajesh are falsely and forcibly imposed on the complainant's premises and there was no theft of electricity on third floor. Complainant also states that firstly on 01.03.2024 only ground to second floor were booked for the first time and second time on 26.04.2024 the complainant's premises were closed. Video, the OP claims showing the subject premises and premises booked for theft as same, is also not placed on record. Even otherwise all kind of energy and enforcement dues whatever on the applied floor, the complainant is ready to pay the same.
4. In support of their respective contentions, complainant has placed on record deficiency letter and photograph of the applied premises. On the other hand OP has placed on record its IR alongwith bills of, energy as well as enforcement dues beside ownership documents in favour of the complainant.
5. Heard both the parties and perused the record.
6. As per pleadings, the question to be determined is as to whether the complainant can be held liable to pay the dues of the entire premises while he is owner of a particular floor thereof-OP states that since the owner of entire property is complainant's wife, complainant is liable to pay dues of entire property. Regarding complainant's plea of he being owner of 3<sup>rd</sup> floor only, OP alleges that he got the ownership documents fabricated just to avoid these dues.

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In this regard we have gone through the enforcement as well as energy bills placed by the OP on record. Perusal of those bills shows that those are issued floor wise. Not only this, amounts shown payable against every bill are also not the same. Similar is the case with energy dues, the two bills placed on record also show specifically that one connection is installed on ground floor and the other on first floor. Consequently, it is specifically stated that the liability pertains to specific floors only and not on the premises number as a whole. OP's objection are twofold, firstly complainant is husband of the owner of entire premises no. 32/206, block-B, Trilok Puri, Delhi-110091, therefore, he is liable to pay the dues of all floors. Secondly, both husband and wife fabricated the title deed in favour of complainant to avoid liability of entire building. For this, though relationship can't be a basis of liability as it runs only property wise and not personally or on relation basis. But even then we have to find out as to whether both are related to <sup>one</sup> another or not. For this purpose we perused GPA set of third floor in favour of the complainant.

This GPA is executed by Smt. Renu w/o Lt. Sh. Rajendra in favour of Sh. Rajender. By this we find out that Renu's husband is one Mr. Rajendra who is no more. Thus how one can sell property to a dead person. Again if we go through address of executant widow of Rajendra is 32/206 while purchaser Rajender's address is 362/32. On the other hand GPA shows that Renu is daughter in law of one Kaushalya Devi. Meaning thereby Kaushalya Devi is mother of her husband namely Rajendra. Therefore, husband of Kaushalya Devi and father of Rajendra - Renu's husband should be <sup>and same</sup> one person. This information is available in GPA in favour of Renu dated 30.08.2013.. In this GPA name of Kaushalya's husband is Sh. Kalas chand, but name of complainant's father, in Renu's GPA, is shown as Sh. Raju.

On the basis of aforesaid analysis it is certain that husband of Renu and complainant are two different persons by one name Rajender.

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The OP's plea of manipulation of documents of 3<sup>rd</sup> floor to avoid liability is baseless and not trustworthy.

In the facts and circumstances, in our considered opinion the dues of each floor are the liability of the owner/applicant of new connection /name change/category change of that very floor only and owner or occupier or applicant of other floors can't be held liable to pay the dues of other floor but his/her floor/unit only, therefore rejection of application for new connection of the complainant to the extent of dues of other floors than his, is unjustified but rejection for non-payment of dues of 3<sup>rd</sup> floor is justified.

ORDER

The complaint is allowed with direction to OP to release the new connection as applied for by the complainant vide request no. 8006917575 at premises no. 32/206, Block-B, Trilok Puri, Delhi-110091 after payment of the pending dues pertaining to 3<sup>rd</sup> floor only and completion of other commercial formalities.

OP shall also file compliance report within 21 days from the date of this order.

The case is disposed off as above.

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

Proceedings closed.

  
(S.R. KHAN)  
MEMBER-TECH

  
(P.K. SINGH)  
CHAIRMAN

  
(P.K. AGRAWAL)  
MEMBER-LEGAL

  
(NISHAT AHMAD ALVI)  
MEMBER-CRM

  
(H.S. SOHAL) Secretary  
MEMBER CGRF (BYPL)