



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 015-0RNKS

C A No. 100692367 & 150766535

Complaint No. 159/2022

In the matter of:

Rajinder TiwariComplainant

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)

Appearance:

1. None present on behalf of the complainant
2. Mr. Imran Siddiqi, Ms. Shweta Chaudhary, Mr. Vivek Bhatnagar, Mr. Gaurav, Mr. Shubham Singh & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 12th January, 2023

Date of Order: 16th January, 2023

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

1. This complaint has been filed by Mr. Rajinder Tiwari against BYPL-KRN.
2. The brief facts of the case giving rise to this grievance are that complainant Mr. Rajinder Tiwari is resident of property number 3700/D/10, Gali No. 6, Shanti Mohalla, Gandhi Nagar, Delhi-31, and

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in the year 1991 purchased house no. 3888, Gali No. 8, Shanti Mohalla, Delhi from Kedarnath son of Babu Lal, and by demolishing this old house he made new house. In this new house complainant gave one room to Kedarnath on ground floor on rent. Kedarnath with the connivance of BSES employees succeed in getting new connection in his name on 10.03.2013 in the name of Vinod s/o Kedarnath C A No. 150710480 on basis of false documents. On the basis of false documents he succeeded in getting new connection on 06.05.2013 having CA NO. 150766535 in his own name. Since complainant Rajinder Tiwari is owner of disputed property, without his consent no new connection can be installed by BSES in the premises where Kedarnath and his son is residing as a tenant. Hence, complainant requested for disconnection of both the connections.

3. The respondent in reply briefly stated that complainant is seeking removal of two electricity connections bearing CA No. 150766535 and 1501710480. In this regard OP submitted as under:

• The electricity connections bearing CA No. 150766535 and 1501710480 were energized on March 10 and May 06, 2013 having billing address as X/3888, Gali No. 8, Shanti Mohalla, Delhi, the said connections are in the name of Kedarnath and his son Vinod. The same were granted on the basis of GPA dated 06.05.2013 and Vinod 10.03.2013. Complainant objected installation of connections in the name of Kedarnath and Vinod and he also lodged FIR bearing no. 618/2013 dated 30.12.2013 against Kedarnath & Vinod.

OP also submitted that complainant applied for fresh electricity connection for second floor of subjected premises which was rejected vide deficiency letter dated 18.04.2022 on pretext of outstanding dues of Rs. 8016/- against disconnection connection having CA No. 100686494.

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4. Heard both the parties and perused the record. Heard the arguments of Authorized Representative of the complainant and OP-BYPL.
5. During the arguments, OP was asked to provide the K.No. files of both the connections to ascertain the documents on the basis of which both the connections in the name of Vinod having CA No. 1501710480 and Kedarnath having CA No. 150766535 is released by OP. In this regard, OP submitted that they have been summoned by the Karkardooma Court in another matter of the complainant Rajinder Tiwari Vs Kedarnath and have submitted all the relevant record in Karkardooma Court.
6. From the perusal of file and specially documents adduced by the complainant original suit no. 147/2007, Sh. Rajinder Tiwari Vs Kedar Nath for the permanent injunction, alleging him as owner of property bearing no. 3888, Gali No. 8, Shanti Mohalla, Gandhi Nagar, Delhi-110031, was filed by Rajinder Tiwari, complainant which was decreed by Court on 01.02.2010. Against this judgment Civil Appeal was filed before the Additional District Judge, North East, Karkardooma by Kedarnath which was dismissed on 26.07.2010.
7. From the perusal of Judgment of Hon'ble Supreme Court passed under Civil Appeal no. 3282-3283 of 2019 (arising out of S.L.P. (C) nos. 20295-20296 of 2017, Rajinder Tiwari Vs KedarNath, it is apparent that Hon'ble Supreme court has allowed the SLP and parties were directed to appear before the Senior civil Judge (North East District), Karkardooma Courts, Delhi on 02.04.2019. Hon'ble Supreme Court directed the trial Court to decide the suit on basis of the pleadings and the evidence adduced by the parties uninfluenced by any judgment passed by the Courts in this case on earlier occasions.

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8. What happened after the order of Hon'ble Supreme Court, its record has not been filed by any party but as a whole it is clear that Criminal Case as well as Civil Case is pending before the competent court regarding ownership of property where the two connections above mentioned are existing.
9. Complainant himself has admitted that Kedarnath and his son is in tenant capacity not in the capacity of owner. As per Regulation 3 of DERC (Supply Code and Performance Standards) Regulations 2017, even not only the owner, even the tenant ~~can~~ ^{can} not be given the electricity connection by BSES. Documents on basis of which the connection has been released are forged or genuine, the criminal case as per averment of complainant is pending.
10. Therefore, in facts and circumstance of the case, so long as Civil Case is pending in the competent court this Forum cannot direct BSES to disconnect the supply of both the connections in the name of Vinod and Kedarnath as prayed by the complainant.

ORDER

The complaint is rejected. The respondent has rightly rejected the application of complainant for disconnection of two connections in the name of Kedarnath & Vinod.

The case is disposed off as above.

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

[Signature]
(NISHAT A. ALVI)
MEMBER (CRM)

[Signature]
(P.K. AGRAWAL)
MEMBER (LEGAL)

[Signature]
(S.R. KHAN)
MEMBER (TECH.)

[Signature]
(P.K. SINGH)
CHAIRMAN