

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. 231/2022

In the matter of:

RizwanaComplainant

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. Mohd Afsar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. Imran Siddiqi, Ms. Prama Kakkar, Ms. Shweta Chaudhary & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 31st January, 2023

Date of Order: 03rd February, 2023

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

1. This complaint has been filed by Ms. Rizwana, against BYPL-LNR.
2. The brief facts of the case giving rise to this grievance are that complainant Ms. Rizwana applied for new electricity connection at property no. B-193, SF, Budha Marg, Block Mandawali Fazalpur, Delhi-

[Handwritten signatures/initials: G, L, R, and a date stamp]

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92. It is also her complaint that the new connection she applied for vide request no. 8005970021 but respondent rejected her application for new connection on the pretext of outstanding dues of other premises.

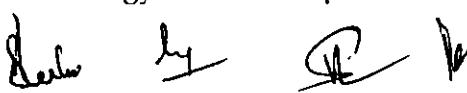
3. The respondent in reply briefly stated that the complainant is seeking fresh electricity connection at B-93, second floor, Buddha Marg, Block-B, Mandawali, Delhi vide application no. 8005970021. OP further submitted that during site visit it was found that multiple enforcement dues (21 direct theft cases) and one energy bill against CA No. 152029490 are pending against the applied premises.

OP further submitted that in terms of Regulation 10 & 11 of DERC (Supply Code and Performance Standards) Regulations 2017 pertains to grant of new electricity connection. In terms of the said regulation applicant has to clear outstanding dues before grant of new connection. OP also quoted citations of various court orders of Hon'ble Supreme Court and High Court.

4. Heard both the parties and perused the record.

5. The issue is whether new connection can be released in the premises where energy and enforcement dues are pending.

6. The Authorized Representative of the complainant has argued that he applied for new electricity connection vide request no. 8005970021 at premise no. B-93, second floor, Buddha Marg, Block-B, Mandawali, Delhi, but OP raised objection that dues are pending against the said premises. He further submitted that they have cleared all the pending enforcement dues pertaining to them but OP is asking them to clear all the pending enforcement and energy dues at the premises.



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The enforcement dues which OP is asking for payment pertains to the other person and has no relevance with the complainant.

7. Legal Representative of the BYPL has argued on basis of evidence available on record. They submitted that the pending energy and enforcement dues on the ground, first and second floor of the subjected premises pertains to complainant as the occupants on the other floors of the subjected premises are in relation to the complainant therefore; the complainant is liable to clear all the dues before the release of the new connection.
8. From perusal of the record placed before us and pleadings of both the parties we observe that the GPA submitted by the complainant alongwith her complainant dated 25.02.2022 is notarized and is between Akila and her husband Abdulla. The GPA nowhere mentions the name of Rizwana. Rizwana, the complainant only produced her Aadhar Card of the applied address but no document proving her relationship with Akila is being produced for supporting her claim that she is residing at premises no. B-193, SF, B-block, Gali no. 5, Budha Marg, Mandawali, Delhi-92. The bills submitted by OP shows that there are almost 21 number direct theft bills at the applied premises which are pending for payment in the name of complainant and her relatives who are residing in the same building. Representative of the complainant admitted that their relatives are residing in the same premises.

From this submission it is clear that the complainant's extended family is residing in the entire building and the energy as well as enforcement dues pertains to same family only.

Seal - by [Signature]

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9. Therefore, we are of considered opinion that for release of new electricity connection complainant first has to clear all the outstanding energy and enforcement dues.

ORDER

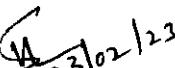
Complaint is rejected. Respondent is directed to release the connection applied by complainant after completion of all the commercial formalities and payment of all the pending dues by the complainant.

The case is disposed off as above.

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


(NISHAT A. ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


(S.R. KHAN)
MEMBER (TECH.)


(P.K. SINGH)
CHAIRMAN