

C A No. Applied For
Complaint No. 177/2024

In the matter of:

Sangeeta BishtComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

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)

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 23rd July, 2024

Date of Order: 05th August, 2024

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

1. Present complaint has been filed by the complainant thereby alleging that she applied for a new electricity connection on upper ground floor of premises no. D-53, D-block, West Vinod Nagar, Delhi-110092, being owner thereof, vide request no. 8006805258. The said request was declined by the OP on false ground. The complainant has annexed deficiency letter whereby reason for rejection are shown 1) existing connection, 2) floor mismatch and 3) dispute at site.

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Complainant alleges that the grounds are false and she is entitled for the connection applied for and prayed for the directions to OP to grant her the electricity connection.

2. In reply to the complaint, OP states that there is violation of provisions of Electricity Act and Regulations concerned as the premises applied for are already having connection vide meter no. 55436806 beside mismatch of the floor as the floor shown in the application is Upper Ground floor which infact is the 1st floor. In addition there is one more ground i.e. dispute at site. Reply further states that the complainant- purchaser of Upper Ground Floor vide order no. 8006702411 dated 15.12.2023 applied for change of her name against consumer of 1st floor, herself acknowledging that Upper Ground floor is effectively 1st floor. In pursuance thereof 1st floor connection was transferred in her name.

The reply also states that the complainant is trying to depict a new nomenclature as GF + UGF + FF + SF +TF by contradicting the existing structure upon which the entire premises have already been energized i.e. GF + FF +SF +TF +4th F.

3. In rejoinder to the reply, specifically denying the OP's version that the complainant himself had acknowledged the UGF, sold to her, is effectively 1st floor, complainant states that actually the complainant has purchased the UGF and with application for electricity connection she filed documents thereof also. But mistakenly complainant mentioned in her application for change of name as first floor her address and it was only on respondent official's suggestion that the complainant gave written application stating that her UGF is effectively 1st floor.

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The said connection is installed on FF and not on the UGF. As such there is no electricity connection in UGF as alleged by the OP. Rejoinder further states that the owner of FF is using the said electricity connection and quarrelling with her due to this change of name in the connection of FF aforesaid.

4. In support of their respective contentions both the parties placed on record their respective documents i.e. the deficiency letter by the complainant and by the OP - IR, bill of FF of subject premises in the name of Mahesh Singh, request by order no. 8006702411 for change in the name of FF connection and additional application for name change with affidavit of the complainant, bill of FF in the name of complainant.
5. Heard and perused the record.
6. As per pleadings, in short, complainant purchased UGF of subject premises from its owner Sh. Mahesh Singh. At the time of sale UGF was having no electricity connection, complainant applied for transferring FF connection in her name, alleging that since her UGF is above the GF it is actually FF, therefore, she is entitled to that connection installed on FF. OP took an application with affidavit of the aforesaid version of the complainant and transferred the FF connection in her name. Now OP is raising deficiency in complainant's request, for new connection on her UGF, that already a connection is existing on that floor.

Now complainant states that she has mistakenly and on the suggestion of the officials of OP applied for name change in FF connection while she is owner of UGF only and actual user of subject connection is the owner of FF who is quarrelling with her due to change of her name in that connection.

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Now without going into legality of the name change by the OP and conduct of the complainant, concentrating on the present dispute, we find that the complainant herself has admitted that she wrongly applied and got change of name in her favour in the FF connection whose user is the owner of the FF. We don't find any specific denial of OP against the subject connection is being used on the FF of the subject premises.

7. Now the only defense of OP in proof of existing connection is the bill of 1st floor connection. Therefore, we have to find out as to what is legal status of this bill after complainant's admission of mistakenly getting name change in the connection of other floor. In that respect we don't find anything on record to show that the complainant is the user of that connection and not the other person, as claimed by the complainant. Consequently both things i.e. entering complainant's name by mistake as well as complainant being not the user of that connection goes against the version of OP that the first floor is in fact the floor owned by the complainant and already a connection is existing on applied premises. Thus the bill can't be said to be validly issued as per law, by the OP.
8. In the fact and circumstances, it is established that the floor of the connection vide CA no. 153952796 and of the complainant are two different floors. It is also established that connection vide CA no. 154340507, though in the name of complainant, is not existing in complainant's premises at aforesaid upper ground floor. Consequently, bills under scrutiny not belonging to UGF, OP's objection of mismatch of address too does not survive and it is established that whatsoever the nomenclature of the floor, there is no connection as on date in the premises occupied by the complainant. Regarding dispute at site OP's pleading nowhere explains what the dispute is.

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If by dispute at site OP mean quarrel of complainant with 1st floor owner due to this change of name, after complainant's own admission, that this connection does not belong to her, it no more survives.

9. On the basis of above analysis, we are of the considered opinion that there is no justification in rejecting the complainant's request for new connection by the OP on the alleged grounds of existing connection, mismatch of address and dispute at site and complainant is very much entitled for grant of connection.

ORDER

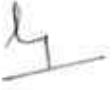
Complaint is allowed with the direction to OP to release the connection applied for by the complainant vide its request no. 8006805258 at upper ground floor of premises no. D-53, D-block, West Vinod Nagar, Delhi-110092, after completion of other commercial formalities as per DERC Supply Code 2017.

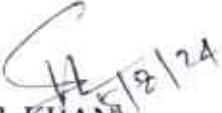
OP shall also file compliance report within 21 days from the date of this order.

The case is disposed off as above.

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


(NISHAT A ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN

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