

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. 106/2021

In the matter of:

SarfrazComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. Arun P Singh (Chairman)
2. Mrs. Vinay Singh, Member (Law)

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Mr. Imran Siddiqi & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

Date of Hearing: 11th November, 2021

Date of Order: 15th November, 2021

Order Pronounced by:- Mrs. Vinay Singh, Member (Legal)

Briefly stated facts of the case are that the complainant applied for new connection, but the respondent company rejected his application for new connection.

The complainant submitted that he is owner of Plot No. 7, Khasra Number 7, Khasra No. 25, Ground Floor, Saboli Industrial Area, Near PRem, Delhi-110094. Already an electricity connection in his name since 27.07.2007 is installed at his premises vide CA No. 101601074 and he is regularly paying all the bills as per consumption recorded in meter.

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It is also his submission that he applied for another new electricity connection at the said premises and the respondent also raised the demand note vide application no. 1027019909 and CA No. 153287168 which the complainant duly paid but respondent failed to install the electricity meter. Therefore, he requested the Forum to direct the respondent for immediate release of the new connection.

Notice was issued to both the parties to appear before the Forum on 27.10.2021.

The respondent submitted their reply stating therein that present complaint is regarding grant of new electricity connection in property bearing Plot No. 7, Khasra No. 25, GF, Saboli Industrial Area, Near Prem Nagar Chowk, which is alleged to be existing in Delhi -110094. The complainant applied for new electricity connection vide application no. 8004832870 dated 04.03.2021. The site inspection was carried out on 12.03.2021 and it was submitted that area in issue falls in UP near Delhi border.

Later before installation of the meter by MMG department, MMG department reported that applied address pertains to UP. As such premises were revisited on 25.03.2021 and on re-verification it was found that premises in issue on the basis of the demarcation report filed before Hon'ble High court of Delhi in Civil Writ as detailed herein falls in UP. As such on 25.03.2021 a deficiency letter was issued whereby applicant was asked to submit NOC from DC Revenue/advisory committee.

The complainant was also asked to submit the relevant documents and complete the commercial formalities for refund of security amount. Respondent also added that in this regard a writ petition bearing W.P. (C) No. 6211/2012 titled as Human Fundamental Rights Association (REGD.) and Ors.

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Versus Union of India & Ors. is pending adjudication before Hon'ble High Court of Delhi. It was also submitted that a Joint Demarcation was undertaken and a report was jointly prepared by the concerned Revenue Authorities of the Govt. of NCT of Delhi and State of UP in July 2012.

The matter was listed for hearing on 27.10.2021, when respondent submitted their reply and raised objection of Delhi-UP Border, therefore, the connection cannot be released. Some more time is given to both the parties to file certain submissions.

The respondent submitted their additional reply in which they reiterated their original reply and also submitted TF/CF report along with rough sketch plan and rejection letter. Copy of letter dated 22.09.2021 in which complainant was asked to apply for security refund and also a copy of warning letter issued to Mr. Dinesh Shukla.

The matter was finally heard on 11.11.2021, when arguments of both the parties were heard and matter was reserved for orders.

The respondent has submitted the additional reply in which respondent further stressed that this area in issue falls in UP near Delhi border and refuse for granting the new connection and stress for filing the details of the complainant to refund the demand note.

The Forum feels that complainant has applied for new commercial connection on dated 04.03.2021, in which the respondent raised objection that NOC from DC Revenue is required. Later on, the demand note was issued on 22.03.2021 which the complainant duly paid on 23.03.2021. On 25.03.2021, the respondent re-visited the site of the complainant and during re-verification if was found that premises in issue falls in UP on the basis of Demarcation report filed before Hon'ble High Court of Delhi.

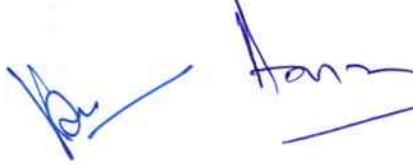


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The case before Hon'ble High Court of Delhi named Human Fundamental Rights Association (Regd.) & Ors. W.P. (C) 6211/2012 in respect of Delhi-UP border filed by NGO, which is still pending before Hon'ble High Court.

But in the present case, the respondent seems to be negligent and deficiency of service in respect of granting new connection. When the complainant approached for new connection by filing the GPA in favour of Sh. Sarfraz of address Khasra No. 25, Situated at village Saboli, in the abadi of Saboli Industrial Area, Ilaka Shahdara, Delhi-110093 of dated 11.10.2018 by the Registrar/Sub-registrar, SRIVb, Vivek Vihar, Delhi. Whenever any document filed before the Sub-registrar, firstly it should verify by Tehsil/Sub-Tehsil, the papers of registration should be forwarded for registration. So, in the present it was properly verified and properly registered within the ambit of Sub-Registrar/Registrar. As per Section 34 of Indian Registration Act that enquiry before registration by registering officer. So, it is confirmed without jurisdiction the sub-registrar/registrar cannot register the GPA of any immovable property as described in Section 34 of Indian Registration Act. Section 28 Place for registering documents relating to land.- Save as in this part otherwise provided, every document mentioned in Section 17, Sub-section 1, clause (a), (b), (c), (d) and (e), Section 17, sub-section (2), insofar as such document affects immovable property and Section 18, clauses (a), (b), (c) and (cc) shall be presented for registration in the office of a Sub-Registrar within whose sub-district the whole or some portion of the property to which such document relates is situate.

As per Section 71. Reasons for refusal to register to be recorded - 1 Every Sub-Registrar refusing to register a document, except on the ground that the property to which it relates is not situate within his sub-district, shall make an order of refusal and record his reasons for such order in his book no. 2, and endorse the words "registration refused" on the document: and, on application made by any person executing or claiming under the document, shall, without payment and unnecessary delay, give him a copy of the reasons so recorded.

A handwritten signature in blue ink, appearing to read 'Biju' and 'Hans'.

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All the property documents are required to be registered in the Sub-Registrar office as per Section 17 of the Indian Registration Act, in the office of the concerned registrar having jurisdiction.

The Forum is of opinion that the respondent plea regarding the complainant's complaint for new connection in UP-Delhi border is baseless, because this property is as per the Indian Registration Act, this property is properly registered by the Sub-Registrar, SR IVb Vivek Vihar, Delhi on dated 11.10.2018 after verifying the property documents and maps filed by the complainant before the Sub-Registrar. This property belongs to Delhi not in the Delhi-UP border as per registration record/as per law.

So, the respondent is directed

- (1) To release the connection after fulfilling all the commercial formalities as per DERC Guidelines 2017 and
- (2) Complainant is also entitled for compensation as per DERC (Supply Code and Performance Standards) Regulations 2017, Schedule 1 (1) of Guaranteed Standards of Performance and Compensation to Consumers in Case of Default, from the date of deposit of demand note by the complainant.

The case is disposed off accordingly.

No order as to the cost.

The order is issued under the seal of CGRF.


(VINAY SINGH)
MEMBER (LAW)


(ARUN P SINGH)
CHAIRMAN