

C G R F



B Y P L

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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REGULATORY WORKS

C A No. Applied For Complaint No. 226/2024

In the matter of:

Satbir Singh

.....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)

Appearance:

1. Mr. Nabab Singh, 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. As per the complaint, the complainant is owner of first floor of property bearing no. D-53. He applied, online, for transfer of electricity connection installed on his floor vide CA no. 154340507. The request/order no. OOLNR0802240823 is made by uploading requisite documents, for transfer of his name. In response OP raised deficiency namely- earlier property chain (Sangeeta to RamKali Devi) required.

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Subsequently again he applied, by physically visiting OP, by attaching all the necessary documents including chain of property, vide request no. AOLNR2001240065 on 23.01.2024. But not only his request was not granted but also he received a bill pertaining to this connection depicting the name of one Smt. Sangeeta Bisht. As the name of Sangeeta Bisht was appearing in the bill, as the consumer, the complainant issued notice to said Sangeeta Bisht thereby requiring her to get deleted her name from the bill or provide documents she submitted to OP, for transferring the connection in her name. In response said Sangeeta Bisht replied that when three times new connection in her Upper Ground Floor was rejected by OP, she approached officials of OP who sought physical inspection of the site and on inspection found that the connection installed on first floor was infact allotted to UGF. Therefore, they required her to apply for the change of name in first floor connection which she did and got transferred the said connection in her name. Complainant has also requested OP to provide Inspection Report but no such report was provided. Actually no such inspection was done by the OP. Complaint to Public Grievance Cell of Department of Power, NCT of Delhi has also been lodged by the complainant to this effect but there is no response till date. Complainant has prayed to:

- i) Direct the Public Grievance Cell to file the Action Taken Report before this Learned Forum.
- ii) Restrain the concerned officer of BSES YPL, Laxmi Nagar to interfere with meter no. 55436806 till disposal of the present complain"; and/or
- iii) Direct the concerned officer of BSES LAXI Nagar to produce all the documents which were submitted by Sangeeta Bisht w/o Sh. Jagat Bisht for transfer of meter no. 55436806; from Mahesh Singh to Sangeeta bisht and/or

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- iv) Direct the office of BSES YPL, Laxmi Nagar, to delete the name of Sangeeta Bisht against meter no. 55436806; and/or
- v) Direct the office of BSES YPL, Laxmi Nagar to transfer the electricity connection vide meter no. 55436806 to the complainant/Satbir Singh s/o Sh. Devi Das; and/or
- vi) Pass any other relief including compensation as per law in favour of the complainant may deem fit and proper in the interest of justice taking into consideration, the facts and circumstances of the case.

2. In reply to the complaint, OP has challenged the locus standi of the complainant to file the present complaint, alleging that the name of said Sangeeta Bisht was appearing as consumer of subject connection since 14.12.2023. While complainant got ownership thereof later on i.e. 27.12.2023. Not only this even the NOC in favour of complainant is also of earlier date than the transfer of ownership in his favour. Reply also states that there is an already pending consumer complaint before this Forum vide no. C.G. No. 177 of 2024. Hence, both the complaints has to be adjudicated upon together, as cause of action in both the cases is against the same meter number. Reply also states that there is dispute at site qua the meter and unless the said dispute is resolved present complaint can't be processed. Besides, reply, relying on the affidavit of said Sangeeta Bisht, states that the floor of the present consumer of the subject connection is first floor and not the upper ground floor as stated by complainant. OP further states that it is because of builder's alteration of the floors that the present dispute has arisen.

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3. In rejoinder to the reply, complainant states that Sh. Mahesh Singh the owner of the plot constructed a five storey building thereon, comprising of common parking, GF, FF, SF, TF and 4th F and got electricity meters installed therein. Thereafter by converting common parking in a flat named it GF and sold the original GF to the present consumer by changing its nomenclature as UGF. Regarding OP's contention of the ownership document in favour of the complainant of the later date than NOC, the complainant alleges that it was due to non-payment of the entire consideration of the flat that the papers were executed later on while the complainant was living in the said flat on 1st floor since 16.05.2023.

Rejoinder also states that the affidavit of said Sangeeta Bisht as referred by OP was without any documentary evidence and the transfer of said connection in favour of Sangeeta Bisht, only on the basis of affidavit is completely in violation of Regulation 10 (2&3) of DERC (Supply Code and Performance Standards) Regulations 2017. Hence, the same is liable to be terminated.

4. In support of their respective contentions complainant has placed on record copies of a) representation to the Dy. Director (Power), GoNCTD, CEO of OP b) chain of documents of ownership of the first floor portion of the subject premises, c) GPA executed in favour of Smt. Sangeeta Bisht by Said Mahesh Singh, d) Copy of bills in the name of said Mahesh Singh and thereafter in the name of Sangeeta Bisht, e) Affidavit cum NOC issued by said Mahesh Singh in favour of the complainant, f) copy of order no. OOLNR08022400823 along with application for name change dated 23.01.2024 and copies of notice to Smt Sangeeta Bisht and her reply thereof.

5. Heard and perused the record.

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6. Going through the pleadings the main contention between the parties is that as to whether the subject connection vide CA No. 154340507 was allotted to the first floor or UGF. In this respect we don't find any document placed on record for 1st floor connection, which might be given when this connection was applied for. The only document is relating to change of name in that connection that too only affidavit of Smt. Sangeeta Bisht affirming that her UGF is Infact first floor. Contents of this affidavit are not supported by any document. In this respect going through C.G. No. 177/2024 we find that said Sangeeta Bisht herself admits that she had mistakenly and only on the suggestion of OP represented that her UGF is infact 1st floor. The only document regarding said Sangeeta Bisht qua her premises is a GPA only. It is pertinent to note that none of the two parties in CG-177/2024 complaint has placed this GPA on record. It is only that complainant in present complaint has placed it alongwith his rejoinder. As per this GPA, its previous owner executed this GPA in favour of said Sangeeta Bisht qua upper Ground floor of the subject premises. Thus as proved in the earlier complaint whatever the nomenclature both the floors i.e. the floor on which the subject connection is installed and the floor of which said Sangeeta Bisht is owner, are two different floors. Moreover, we also find violation of Regulation 10 (2&3) of the DERC (Supply Code and Performance Standards) Regulations 2017, whereby without taking the required documents OP has transferred the subject connection in favour of Sangeeta Bisht from its previous owner Mahesh Singh. The affidavit too, on which OP relies, nowhere mentions what is the document through which she got ownership and what is her floor mentioned therein against which she has given this affidavit.

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7. On the basis of above analysis in our considered opinion the floor on which the subject connection is installed and the floor of which the said Sangeeta Bisht is owner are not one and the same floors and the connection on the first floor was infact not allotted to the UGF as alleged by OP and the subject connection has wrongly been transferred in the name of owner of UGF aforesaid. As such the complainant, in whose favour previous owner of the FF has also issued a NOC as well as GPA set, is very much entitled for, the said connection and transfer of the same in his favour.


ORDER


The complaint is allowed. OP is directed to delete the name of Smt. Sangeeta Bisht against CA No. 154340507 and transfer the said electricity connection to the complainant by entering his name as its consumer. So far as to the prayer with respect to the direction to the PG Cell, this Forum has no jurisdiction and remedy for the same may be ask for, to the appropriate forum.

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