



C A No. Applied For
Complaint No. 281/2024

In the matter of:

Shakeel AhmedComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. Nishat Ahmed Alvi, Member (CRM)
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. S.R. Khan, Member (Technical)
4. Mr. P.K. Singh, Chairman

Appearance:

1. Mr. Neeraj Kumar, Counsel of the complainant
2. Mr. Lalit & Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 14th November, 2024

Date of Order: 19th Nov, 2024

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

1. Present complaint has been filed by the Complainant thereby alleging that he applied for a New Connection under domestic category /Change of Name in his premises being Ground Floor of property No-D-14/381-A/1, Khasra No-20, Lalita Park, Laxmi Nagar, Delhi-110092 The said request of the Complainant was declined by the OP on the grounds that there is another meter vide no-35947683, already existing on the Ground Floor, and also there is a mismatch of address.

Attested True Copy

Secretary
CGRF (BYPL)

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Complainant states that the objections are totally false and fabricated. There exists a connection vide CA No-100938231 in a name of Pramila Saxena installed at ground floor & supplying energy to the other floor. Complainant has prayed for the release of new connection or Name Change in the said premises.

2. In response to the complaint OP by filing its reply alleges that the request of the complainant vide no-8006881800 for new connection was rejected on two grounds, Firstly already there exists a connection bearing CA No-35947683, in the applied premises and there cannot be two connections in one dwelling unit. Secondly there are dues pending of CA No-100937602 installed in the said premises which was disconnected on 3rd Feb 2024. The dues thereof for an amount of Rs. 26647/- are pending which are to be paid by the complainant. Reply further states that as per site inspection the applied address is a built up property consisting of UGF+5 Floors.

Reply states that in order to circumvents and avoid the legal objection, for grant of connection, that the connection bearing CA no-35947683 already existing and there are pending dues of CA No-100937602, the same was disconnected on 03.02.2024. Thus there being violation of the provisions of Electricity Act and regulations framed there under the connection requested cannot be granted.

3. In rejoinder to the reply, reiterating his complaint, the Complainant states that the existing connection vide CA No-100938231 is being presently used on the 5th Floor which as per IR situate at ground floor. There is no rejoinder of the Ops allegation of pending dues in this rejoinder.

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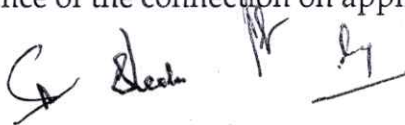
4. In support of their respective contentions Complainant has placed on record copies of email, deficiency letters bill of existing connection and ownership document. On the other hand OP has placed on record copies of only one deficiency letter issued against request no-8006881800, bill of CA No-100937602, and its IR. In addition to this OP has also placed on record, copies of K.No files except of the existing connection and copies of email of site visit report regarding usage of the connections.

Heard the arguments on behalf of both the parties and perused the record.

5. As per proceedings basically the dispute is regarding ground of rejection of the request of Complainant for new connection. Complaint states that the same was rejected on the ground of existence of connection and mismatch of the address while OP states that the same was rejected on the ground of existence of connection and the pending dues. In this respect the deficiency letter is material document. Which shows the only one ground of rejection i.e. already therein a connection on the ground floor, further stating that meter lying in SAP but not at site. This shows that there was no ground of pending dues as taken by the OP while issuing deficiency letter and the same is subsequently taken in the reply only. If we go through Regulation 11 (I) (IV) of DERC (Supply Code and Performance Standards) Regulations 2017. It stipulates "The Licensee shall indicate all the deficiencies in the application form to the applicant in one go only and shall not raise any new deficiency subsequently". Thus as per this provision OP is barred to take this subsequent deficiency. Now the only ground to consider remains as to the existence of the connection on applied premises.

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


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In this respect though complainant also agreed with the existence of the subject connection at ground floor but alleges that the same is being used on the 5th Floor. Bill of the said existing connection, bearing CA No-100938231, shows that the said connection is in the name of Ms. Pramila Saxena, and as per email placed on record, on behalf of the OP, the same is being used on the 4th floor by one Ms. Pramila Saxena. However OP has not filed K.No. File of this connection to prove that the same was granted for ground floor and to show the capacity of Ms. Pramila Saxena to use this connection. Though admittedly connection was for ground floor.

In the facts and circumstances even if the subject connection was sanctioned for ground floor it is being unauthorizedly used on fourth floor. Hence liable to be disconnected and it is only bona fide owner/occupier of the ground floor who is entitled to get the connection therein.

ORDER

Complaint is allowed. OP is directed, to disconnect the existing connection vide CA No-100938231 in the name of Ms. Pramila Saxena occupant of fourth floor and to release the Electricity Connection applied, in favour of the complainant, as per his request vide order no- 8006881800, in his premises being ground floor of property no- D-14/381-A/1, Khasra No-20, Lalita Park, Laxmi Nagar, Delhi-110092, after completing all commercial formalities as per provisions of DERC (Supply Code & Performance Standards) Regulations 2017.

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The Order shall be complied within 21 days from the receipt of the order by the OP or uploading of the same on the website of the Forum.

The Parties hereby informed that the instant order is appealable within 30 days of the receipt thereof.

Any Contravention of the order is punishable under section 132 of the Electricity Act 2003.



(NISHAT AHMAD ALVI)
MEMBER-CRM



(P.K.AGRAWAL)
MEMBER-LEGAL



(S.R. KHAN)
MEMBER-TECH



(P K SINGH)
CHAIRMAN