



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

Phone: 32978140 Fax: 22384886

E-mail:cgrfbyp@hotmai.com

SECY/CHN 015/08/NC

C A No. Applied For
Complaint No. 37/2024

In the matter of:

Shalini JainComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Imran Ul Haq Siddiqi, Counsel of the complainant
2. Ms. Ritu Gupta & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 30th May, 2024

Date of Order: 10th June, 2024

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

1. As per the complaint, the complainant applied for a temporary electricity connection on her premises bearing no. I-45-B, GF, I block, Gharwali Mohalla, Laxmi Nagar, Delhi-110092 vide order no. 8006699210. Against this order OP issued a deficiency letter thereby requiring Meter Removal of already installed meters bearing no. 701629996, 70162997, 35368726 and 70163000. The complainant got the

Attested True Copy

Secretary
CGRF (BYPL)

1 of 5

said meters removed out of the premises thereby satisfying the deficiency raised by the OP. But even then the connection was not granted by the OP and raised another objection of pending dues. As per complaint the said dues pertains to some other property. Therefore, the complainant has prayed for the directions to OP to grant the connection required.

2. In response to notice of this complaint, OP by filing its reply pleads that the electricity connection cannot be granted as grant thereof shall be in violation of law as there are pending dues of CA No. 100953471 which was installed at the property in question and the complainant is liable to pay a dues of Rs. 9249/- on pro-rata basis of the total amount due in a sum of Rs. 36996.21/-.
3. In rejoinder to this reply, the complainant reiterating complaint states that the pending dues are of another premises bearing no. I-45, Laxmi Nagar, Delhi-110092 of the connection in the name of Om Grover vide CA no. 100953471 and not of her premises bearing no. I-45-B, 1 block, Gharwali Mohalla, Laxmi Nagar, Delhi-110092. Therefore, the complainant is not liable to pay the alleged dues.
4. In support of their respective contentions complainant has placed on record copies of e-mails sent to the OP, deficiency letter issued by the OP and meter removal orders of the connections vide C A No. 100934748, 150344592, 100934716 and 150343536. In addition to this complainant has also filed copy of sale deed of the applied premises in her favor dated 27.10.2009. On the other hand in support of its contention OP has placed on record copy of bill of disconnected connection of CA No. 100953471 in the name of Om Grover alongwith IR conducted in pursuance of the application of the present new connection.

5. Heard and perused the record.
6. As per pleadings there is dispute between the parties on two points, Firstly, the dues claimed by the OP pertain to complainant's premises or not. Secondly, as to whether OP is authorized to raise a subsequent deficiency by raising the claim of pending dues.
7. With respect to the liability of dues, going through the copy of the bill placed on record by OP as well as IR, we find that the address of the connection holder is I-45, Laxmi Nagar, Delhi-110092, while CF details in the IR, we find that there are a number of properties by the no. I-45, some is as I-45, I block, Laxmi Nagar, other is as I-45-A, Gharwali Mohalla, Laxmi Nagar extension, Near Gurudwara Road, Delhi-110092, other is simply as no. I-45, Laxmi Nagar. All these properties are recognized by the OP as different properties as OP's ~~own~~ record show that it has installed separate connections on these premises. In this manner premises no. I-45-B the applied premises also can't be said to be I-45 itself.
8. Going through the sale deed produced by the complainant, if we go through the chain of the owners of the premises applied for, first of all we don't find any person by the name of Om Grover in this chain of owners and the specific number of the premises is shown as I-45-B and not as I-45. The sale deed is of the year 2009, which proves that the addition in the number of I-45 is not a current change but of the old period.
9. On the basis of aforesaid finding, we are of the considered view that property bearing no. I-45, Laxmi Nagar, Delhi-110092 and the applied premises I-45-B, Gharwali Mohalla, Laxmi Nagar, Delhi-110092 are two different properties and the said Om Grover never held this premises.

Complaint No. 37/2024

Therefore, the complainant cannot be asked for the payment of dues of another property. Regarding second issue as per Regulation 11(1)(iv) and (v) of DERC Regulations 2017 OP is bound to raise deficiency only once and can't raise another deficiency thereafter.

As per deficiency letter, placed on record, there was the only deficiency of meter removal which had since been removed by the complainant. Thus as per Regulations OP is barred to raise deficiency of dues later on.

10. New Electricity Connection:-

(iv) 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.

(v) In case the Licensee fails to intimate the applicant about any deficiencies in his application on the spot or within the stipulated 2 (two) days in case of online application, as the case may be, the application shall be deemed to have been accepted by the Licensee on the date of receipt of the application.

11. Therefore, the rejection of the applied connection by the OP on the ground of pending dues is in violation of concerned Regulation of 2017 and for grant of connection only deficiency ~~which~~ was raised earlier regarding removal of already installed four meters which the complainant has duly complied with. Thus, the complainant cannot be deprived off new electricity connection and also he cannot be asked

Attested True Copy for payment of pro-rata charges, which the OP had not raised earlier.

Complaint No. 37/2024

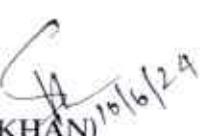
ORDER

The complaint is allowed with the direction to OP to release the new electricity connection as applied by the complainant vide request no. 8006699210 at premises no. I-45-B, I block, Gharwali Mohalla, Laxmi Nagar, Delhi-110092.

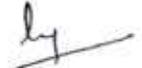
OP is further directed to file compliance report within 21 days from the date of this order.

The case is disposed off as above.

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


(S.R. KHAN) 15/6/24
MEMBER-TECH

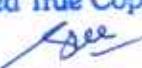

(P.K. SINGH)
CHAIRMAN


(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER

5 of 5

Attested True Copy

Secretary
CGRF (BYPL)