

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
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SECY/CHN 015/08NK

C A No. Applied for Complaint No. 462/2024

In the matter of:

Sheela PanchalComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P. K. Singh (Chairman)
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. S.R. Khan, Member (Technical)

Appearance:

1. Mr. R.K. Singh, Representative 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: 21st January, 2025

Date of Order: 23rd January, 2025

Order Pronounced By:- Mr. S.R. Khan, Member (Technical)

1. The present complaint has been filed by Ms. Sheela Panchal against BSES -Nand Nagri.
2. The brief fact of the case giving rise to this grievance is that the complainant applied for a new electricity connection at premises no. A-434/1, First Floor, Khasra No.-571, Main Wazirabad Road, Meet Nagar, Delhi-110006, vide request no. 8007040573.

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Secretary
CGRF (BYPL)

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The application of complainant was rejected by Opposite Party (OP) BYPL on the pretext of Energy Dues against CA, but complainant stated that pending dues address are of different address.

3. The respondent in reply briefly stated that the present complaint has been filed by the complainant seeking new electricity connection at the first floor of the property bearing no. A-434/1, Khasra No.-571, Main Wazirabad Road, Meet Nagar, Delhi-110006, vide request no. 8007040573. At the time of inspection, it was discovered that applied premises have pending energy dues against CA No. 101546993 for a sum of Rs. 34,743/- which is in the name of Mr. Sanjay Panchal S/o Mange Ram Panchal who is the erstwhile owner and brother in law of the complainant. OP stated that the title documents alleged GPA by Sanjay Panchal & Ram Pal Panchal in favour of Vinod Panchal for the premises bearing address A-434, Main Wazirabad Road, Meet Nagar, Shahdara, Delhi-110094 does not contain the date of alleged GPA. Hence, it is an invalid the defective title document.

Reply further added that alleged NOC issued by Vinod Panchal in favor of Sheela Panchal, complainant herein is also invalid and defective as firstly as stated by the complainant that Mr. Vinod Panchal has expired which makes it impractical how the said alleged NOC got issued on 28.06.2024 and moreover it is issued in favour of Sheela Panchal shown as W/o Mange Ram but Mange Ram is her father in law. Hence, it is suspicious and cannot be relied upon as being against the law.

4. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the OP has wrongly rejected her application for new connection.

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The complainant also states that the dues of Sanjay Panchal are not payable by her as Sanjay Panchal has sold his property to someone and the person residing at his portion is liable to pay the dues. Rejoinder further states that the premise of Sanjay Panchal is in Khasra no. 521 whereas her premises is in Khasra no. 571, both the Khasra's are entirely different and she has nothing to do with the dues of Sanjay Panchal.

Rejoinder also emphasized on the NOC given by Vijay Panchal on dated 28.06.2024, whereas Mr. Vijay Panchal expired in the year 2018, the licensee has fabricated the documents.

The complainant also submits a letter dated 21.01.2025 from the Municipal Councillor, stating that she is residing at the subject property.

5. Arguments of both the parties were heard.
6. Before disposal of the present case, we should go through the relevant Regulations as prescribed in DERC Regulations 2017 for grant new electricity connection. Sub-Regulation (3) of Regulation 10 is narrated here:

10. New and existing connection:-

(3) Proof of ownership or occupancy of this premise:-

Any of the following documents shall be accepted as the proof of ownership or occupancy of premises:-

- i. Certified copy of title deed;
- ii. Certified copy registered conveyance deed;
- iii. General Power of Attorney (GPA);
- iv. Allotment letter/possession letter;
- v. Valid lease agreement alongwith agreement undertaking that the lease agreement has been signed by the owner or his authorized representative;

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- vi. Rent receipt not later than 3 (three) months alongwith undertaking that the rent receipt has been signed by the owner or his authorized representative;
- vii. Mutation certificate issued by a Government body such as Local Revenue Authorized or Municipal Corporation or land owning agencies like DDA/L&DO;
- viii. Sub-division agreement;
- ix. For bonafide consumers residing in JJ clusters or in other areas with no specific municipal address, the licensee may accept either ration card or electoral identity card mandatorily having the same address as a proof of occupancy of the premises.

7. From the narration of facts and material placed before us we find that the complainant applied for new electricity connection on first floor of property bearing address A-434/1, Khasra no. 571, Main Wazirabad Road, Meet Nagar, Delhi-110094. The complainant along with her application for new connection submitted GPA dated 08.04.1999 in favour of Ram Panchal, Vijay Panchal and Sanjay Panchal. From the perusal of the said GPA it is evident that the property in question is co-owned by three brothers and for obtaining new electricity connection in the joint property one has to submit NOC from the other owners of the property. No other document/evidence is placed on record by the complainant to show that in what capacity she is the owner of the property. Neither the NOC from the co-owners is placed nor is any other GPA or deed available with the complainant.

The complainant placed on record one letter from the Area Municipal Councilor, the said letter also nowhere prove that the complainant is owner or in occupation of the property in question.

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8. Therefore, we are of considered view that in absence of valid ownership and occupancy documents, we cannot grant complainant's application for new connection.

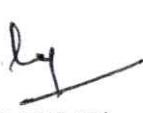
ORDER

The complaint is rejected. OP has rightly rejected the application of the complainant of the new connection. This forum is unable to give any relief to his complainant.

The parties are hereby informed that instant order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order.

If the Order is not appealed against within the stipulated time, the same shall be deemed to have attained finally.

Any contravention of these Orders is punishable under Section 142 of the Electricity Act 2003.


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN

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