

CA No. 1543418175
Complaint No. 275/2024

In the matter of:

SurakshaComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

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. Imran Ul Haq Siddiqi, Counsel of the complainant
2. Mr. Akash Swami, Mr. Lalit & Mr. Akshat Aggarwal On behalf of BYPL

ORDER

Date of Hearing: 29th October, 2024

Date of Order: 13th November, 2024

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

1. The brief facts of the case giving rise to this grievance are that complainant approached OP for correcting Gali number, in the bill issued against CA no. 1543418175, granted by OP in pursuance of request no. 8006917209, in her premises no. 319, First Floor, Gali No. 8, Lalita Park, Laxmi Nagar, Delhi-110092. The application of the complainant was rejected by the OP on the pretext that meter already installed. In this regard, the complainant submits that while processing her request for new electricity connection OP has wrongly given Gali

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No. 8 in place of Gali no. 9 wherein actually her premises situate. Therefore, she requested the Forum to direct respondent for correction of Gali no. of her premises in its records.

2. The OP in its reply has raised a preliminary question of maintainability of the complaint on the ground of no cause of action stating that the purpose for which the application was made already stands fulfilled as new electricity connection applied for has already been granted and the meter has been issued. Deficiency letter clearly depict that request was only for new connection, further submitting that the complainant now by deploying clever tactics is changing the course of the complaint by overwriting and writing by hand and even suppressing the said facts by mentioning the relief of change of address in the index of the captioned complaint which is contrary to what was originally asked i.e. new connection and as on date there exist no request for change of address against the order no. 8006758774.
3. Rejoinder filed by the complainant refuted the contentions of the respondent as averred in their reply and submitted that she do applied new connection and the meter was also installed on 31.01.2024. However after energization of said connection having CA No. 154348175, when she received bill she found that the respondent has wrongly shown her premises in Gali no.-8 instead of gali no.-09 ~~therein~~. In this regard, a mail was sent to the OP on dated 19.04.2024, but the respondent neither replied the said mail nor corrected the gali number even after waiting for 15 days. Hence this complaint to correct the Gali no. in its record.

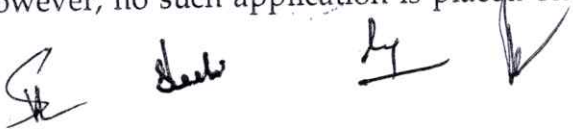
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4. In support of their contentions, the complainant has placed on record correspondence with OP via e-mail, deficiency letter, neighbour's electricity bill, her own electricity bill and registered Relinquishment deed dated 29.04.2009. On the other hand OP filed reply but without any supporting document.
5. Arguments heard and perused the record.
6. As per the pleadings, the bill issued against CA no. 1543418175 shows premises in Gali no. 8 which complainant alleges is wrong and correct Gali no. is 9. But OP denying this allegations states that the address given in the bill is as per complainant's own request for new connection. OP argues that the request under consideration was for new connection, which has been released by the OP. Thus there remains no cause of action, to be maintainable, of present complaint. The complainant is seeking change of address for which complainant has to apply, to the OP, afresh and only after non-grant thereof complainant can come for change of address. On the other hand complainant pleads that she is seeking only correction of Gali no. and not the change of address. To resolve this controversy first we have to find out as to what is actually the number of Gali in which applied premises situate. For this purpose we have three documents on record to peruse i.e. the deficiency letter issued by OP, Relinquishment deed with respect to property in question and bill issued by OP in respect of adjoining property.

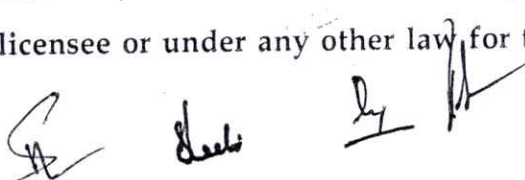
Deficiency letter shows that premise is in Gali no. 8. As per OP it carried this Gali no. from the application, for new connection, of the complainant herself. However, no such application is placed on record by the OP.



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Perusal of Relinquishment deed as well as bill reveals that the applied premises situate at Gali No. 9. Thus, not only ownership document of complainant but also the record of the OP prove that right no. of the Gali concerned is 9. Complainant also argued that this Relinquishment deed was the document which was attached with application for new connection as her ownership proof which is not specifically denied by OP. Thus though there is no application for new connection on record, but even if we consider OP's version that the address in its record is in accordance to her application, it becomes certain that OP while granting request for new connection not gone through Relinquishment deed and, relying only on the application entered wrong Gali no. in its record, which is a mistake on the part of OP. Now we have to consider as to whether service of the OP, in granting new connection, includes inter alia, to record correct address as per document of applicant's ownership/occupancy proof submitted or it is sufficient that it released the connection. For this purpose clause (h) of Regulation 2 of DERC (Guidelines for establishment of the Forum and Ombudsman for Redressal of grievances of Electricity consumers) Regulations, 2024, defines Electricity Service as follows:

"Electricity Service" means in particular and without prejudice to the generality of the term, electricity supply, include metering, billing, maintenance of supply, maintenance of distribution system and all other attendant subservices etc., which a Licensee is required to provide pursuant to his license or under any other law for the time being in force."



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7. As per this definition Electricity Services include all other attendant services also which obviously mean to enter correct data of the consumer in its record, while granting new connection which OP has failed to do.

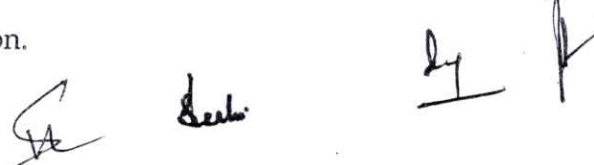
8. Redressal of Grievance is dealt with under Regulation 72 of DERC (Supply Code and Performance Standards) Regulations 2017 as follows:

72. Redressal of Grievances by Forum and Ombudsman:-

(1) In case, the grievances of the consumer are not addressed properly by the Licensee, the consumer may approach the Forum or the Ombudsman as the case may be as per Delhi Electricity Regulatory Commission (Guidelines for establishment of Forum for redressal of grievances of the consumers and Ombudsman) Regulations, 2003 as amended from time to time.

According to these Regulations it is not sufficient that Grievance is merely addressed but it must be properly addressed by satisfying all attendant services also, which OP has failed to satisfy in the aforesaid facts and circumstances.

9. On the basis of above said findings we are of the considered view that OP is at fault in the manner of performance of its duty of electricity service for providing new connection. Hence to rectify the same becomes its obligation.



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ORDER

The complaint is allowed. OP is directed to correct the Gali no. in its record by replacing Gali No. 8 by Gali No. 9 as per Relinquishment Deed.

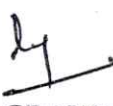
This Order shall be complied within 21 days of the receipt of the certified copy or from the date it is uploaded on the Website of the Forum; whichever is earlier.


The parties are hereby informed that the 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 finality.

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


(NISHAT A ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN

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