



C A No. Applied for
Complaint No. 461/2024

In the matter of:

Sushila Devi

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

1. Mr. Vidya Bhushan, Counsel of the complainant
2. Mr. R. S. Bisht, Mr. Lalit & Mr. Akshat Aggarwal, On behalf of Respondent

ORDER

Date of Hearing: 26th November, 2024

Date of Order: 04th December, 2024

Order Pronounced By:- Mr. P.K. Singh, Chairman

1. The brief fact of the case giving rise to this grievance is that the complainant applied for a new electricity connection at premises no. Ground Floor, S-229-A, Pandav Nagar, Near Shiv Mandir, Delhi-110092, vide requests no. 8007122031. The application of complainant was rejected by Opposite Party (OP) BYPL on the pretext of Meter already exist, Dues against CA, Site visit incomplete due to meter panel lock, but complainant stated that if there is any dues exist then how OP installed 5 meters in her building.

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2. The respondent in reply briefly stated that the present complaint has been filed by the complainant seeking new electricity connection at the premises no. Ground Floor, S-229-A, Pandav Nagar, Near Shiv Mandir, Delhi-110092, vide requests no. 8007122031. The application of the new connection was rejected on the following grounds:

Firstly; pending ownership dispute regarding parking and ground floor before the Ld. Trial Court, Karkardooma Courts East District, Delhi. The details of the pending Civil Suit vide Civil Suit No. 891/2021 titled as Sushila Devi V/s Sudesh & Others.

Secondly; Same site energy dues exist at site CA No. 100932072 in the name of Sushila Devi.

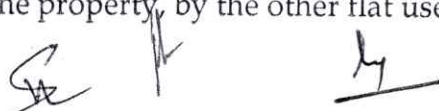
Thirdly; there is not DX Unit found at the ground floor. Hence, no technical feasibility is made out for the grant of new connection.

Respondent submitted that in view of the aforesaid objections the present complaint seeking new connection can only be processed if the aforesaid objections are cleared by the complainant and the application is made in consonance with the provisions of the DERC (Supply Code & Performance Standards) Regulations, 2017.

3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the respondent has already given five electricity connections in this building to the other users. If there are any dues on this building then the respondent cannot release electricity connections to the others. Rejoinder further stated that there is no electricity connection in the name of the complainant on this property. As far as concerned civil case is pending in civil court Karkardooma Delhi, the said case is concerned with the misusing and against grabbing the property i.e. common hall, situated on the ground floor of the property, by the other flat users.

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The case is at the stage of reply by the other respondents. It is submitted that it is settled law that the electricity company cannot decide the ownership of the property and hence cannot denied the electricity connection to the complainant being necessary requirement/needs like Air and Water. Complainant stated that said property was purchased by her from Ms. Usha Rani Sharma in the year 1987 and now the complainant has got this property free hold from the DDA being absolute owner.

4. Heard arguments of both the parties at length.
5. Before disposal of the present case, we should go through the relevant Regulations as prescribed in DERC Regulations 2017 for grant of new electricity connection. Sub-Regulation (2) & (3) of Regulation 10 is narrated here:

10. New and Existing Connections:-

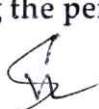
(2) Proof of identity of the applicant:-

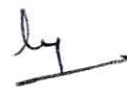
Any of the following documents shall be accepted as proof of identity:-

- (i) electoral identity card;
- (ii) passport;
- (iii) driving license;
- (iv) ration card having photograph;
- (v) Aadhar card;
- (vi) PAN card;
- (vii) photo identity card issued by any Government agency;
- (viii) If the applicant is an organization, certificate of incorporation/ registration issued by the Registrar and proof of authorization

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(3) Proof of ownership or occupancy of the premises:-

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

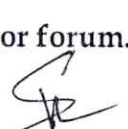


- (i) certified copy of title deed;
- (ii) certified copy of registered conveyance deed;
- (iii) General Power of Attorney (GPA);
- (iv) allotment letter/possession letter;
- (v) valid lease agreement alongwith undertaking that the lease agreement has been signed by the owner or his authorized representative;
- (vi) rent receipt not earlier 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 Authorities 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.

THE DERC (Forum for Redressal of Grievances of the Consumers and Ombudsman) Regulations, 2018 in Sub-Regulation (1) of Regulation 13 has clearly stated as under:-

13. Limitation of Jurisdiction of the Forum: (1) The Forum shall not entertain a grievance if it pertains to the same subject matter for which any proceedings before any court, authority or any other Forum is pending or a decree, award or a final order has already been passed by any competent court, authority or forum.

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6. From the perusal of the records and documents, it is clear that the application of new connection of the complainant has been rejected by OP on the grounds of no DX activity found, dues and ownership dispute.

Regarding the first objection of OP that no DX activity found at the applied portion; the complainant in its rejoinder has refuted this contention of OP, and stated that there is a common hall and there are household items lying as well as already a water connection is also there in the applied portion.

Regarding second objection of OP that there are dues pending, the complainant in its rejoinder refuted this contention of OP and submitted that OP has released five new electricity connection on the subject property but have not asked those connection owners to clear the pending dues, if there were dues, how OP has released the connection to the other five occupants.

Regarding ownership dispute it is submitted that the complainant has applied for new electricity connection on the ground floor and OP has submitted that a matter regarding ownership of the parking and ground floor of the subject premises is pending before the Learned Trial Court Karkardooma Court; vide Civil Suit no. 891/2021 titled as Sushila Devi Vs Sudesh & Ors. In this regard, the complainant in his rejoinder submitted that it is settled law that the electricity companies cannot decide the ownership of the property and hence cannot deny electricity connection to the complainant.

7. In view of the above deliberations, we are of the considered opinion that though the above stated Regulation 13 (1) of DERC (Forum for Redressal of Grievances of the Consumers and Ombudsman) Regulations, 2018 clearly states that this Forum has no jurisdiction to entertain the complaints or matter which are pending for adjudication in any other court or Forum, but the new Regulations of the year 2024 are silent on this issue.

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Yet the Regulation 10 (2) of the DERC Supply Code 2017, has mandate requirement of ownership proof for grant of new electricity connection and the matter of ownership of the applied portion is pending between the complainant and other party i.e. Sudesh & Ors. before the Trial Court, Karkardooma.

8. Therefore, we feel that in the absence of ownership proof, this Forum is unable to give any relief to the complainant.


ORDER

The complaint is rejected. OP is directed that if in near future the complainant produces ownership documents, they should release the new electricity connection to the complainant after fulfillment of the other commercial formalities as per DERC Regulations 2017.

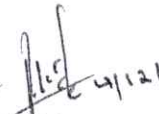
The parties are hereby informed that instant Order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order.

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. KHEAN)
MEMBER (TECH.)


(P.K.SINGH)
CHAIRMAN

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Secretary
(SPL)