

C G R F



B P L

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

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SECY/CHN 015/08NKS

C A No. Applied for
Complaint No. 264/2023

In the matter of:

Vikas Kumar 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. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Ms. Rushda Khan, Ms. Shweta Chaudhary & Ms. Chhavi Rani, On behalf of BYPL
3. Mr. Vijay Pal Singh, complainant along with counsel Mr. Gaurav Thakur

ORDER

Date of Hearing: 29th August, 2023

Date of Order: 06th September, 2023

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

1. This complaint has been filed by Mr. Vikas Kumar Jain, against BYPL alleging his relation with Vijay Pal Singh/ Anil Pal/ Sarita w/o Vijay Pal Singh of buyer and seller of property in premises bearing no. 21/2, Gali No. 2, Bhagat Vihar, Karawal Nagar, Delhi-110094.

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As per complaint present consumer, said Vijay Pal Singh by fraudulent means, has got installed electricity connection, in this premises vide CA No. 351345747. In support of his claim complainant alleged that he is residing at the said premises and he has got a decree of permanent injunction against said Anil Pal, thereby restraining him from creating any third party interest in the said property till entire payment of decreed amount of Rs. 24,50,000/- along with interest is made by him to the complainant herein. Complainant has prayed for replacing his name against present consumer Vijay Pal Singh and/or disconnection of the said supply in the said premises.

2. On notice, OP by filing its reply challenged locus standi of the complainant on the grounds that he is neither the consumer nor comes under the definition of complainant as per DERC (Forum for Redressal of Grievances of Consumers and Ombudsman) Regulations 2018, since as per its records its consumer is one Vijay Pal Singh and the address of this connection is other than the premises allegedly claimed by the complainant to be under his ownership and possession i.e. 21-A and not 21/2 address as alleged.

Regarding complainant's plea of ownership of the subject property, OP states that the decree pleaded is a money decree wherein Anil Pal alleged seller is restrained from creating third party interests therein till the money decree is satisfied. Also, there is no order against defendant no. 2 who is wife of registered consumer.

In reply to complainant's claim that the connection was granted on the basis of fake documents, OP states that it needs adjudication by a proper court and can't be decided by this Forum in these summary proceedings.

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OP also states that as per its Inspection Report both properties are different properties.

3. In support of his contentions complainant has filed copy of FIR dated 15.05.2017, copy of judgment/decree mentioned aforesaid and GPA set dated 11.03.2015 with its chain of documents. On the other hand OP has field copy of its Inspection Report along with copy of electricity bill of the subject connection.

Heard both the parties and perusal the documents.

As per record issues for disposal of this complaint are these:

- a) Whether prima facie complainant is owner or in authorized possession of property in premises no. 21/2, Gali No. 2, Bhagat Vihar, Karwal Nagar, Delhi-110094 or not ---- OPC.
- b) If complainant is able to prove this issue than as to whether premises no. 21/2 and 21-A GF, Gali No. 2, Bhagat Vihar, Karawal Nagar, Delhi-110094 are one and the same or not? OPC
- c) If answer to issue no. 2 is yes then in what capacity the said Vijay Pal Singh - the consumer, of electricity connection vide CA No. 351345747, was granted connection in the premises no. 21/2, Gali No. 2, Bhagat Vihar, Karawal Nagar, Dlehi-110094.

Perusal of copies of FIR, GPA set executed in favour of complainant by Anil Pal and judgment dated 23.12.2020 placed on collectively, shows that as per complainant's own version, One Anil Pal without being owner sold property in premises no. 21/2, Gali No. 2, Bhagat Vihar, Karawal Nagar, Delhi-110094 fraudulently by executing GPA set in complainant's favour and handed over possession of said property to him who put his lock thereon.

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Later on, in the grab of offer to complainant to sell this property to a potential buyer for appreciated price, got hold of original GPA set and torn the same saying that he sold the same to him without being owner thereof. Thereafter, FIR for cheating etc. was lodged and complainant got a decree of permanent injunction and recovery of sale price.

On the other hand perusal of OP's document shows that as per inspection report, at site there is boundary wall with entry gate which is locked and alleged meter found at BYPL pole. Bill shows that this connection is in the name of Vijay Pal Singh as alleged by the complainant. But the address given is 21-A, GF and not 21/2 of Gali No. 2, Bhagat Vihar, Delhi-94. Khasra No. on billing address is as Kh. No. 48/12 and not, as given in the GPA set in favour of complainant, Khasra no. 3/2, 8/1, 12/2.

IR filed by OP is vague as it shows no address of site inspected, thus can't be relied upon. On the contrary to consider complainant's claim he has to prove his bonafide to be covered under the definition of complainant as per DERC (Forum for Redressal of Grievances of the Consumers and Ombudsman) Regulations 2018 as described hereunder.

As per **THE DELHI ELECTRICITY REGULATORY COMMISSION (Forum for Redressal of Grievances of the Consumers and Ombudsman) REGULATIONS, 2013**,

"Complainant" means—

- (i) a consumer as defined under clause (15) of Section 2 of the Act; or
- (ii) an applicant for a new electricity connection; or
- (iii) in case of death of a consumer, his legal heir(s) or authorised representative ; or

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(iv) Any other person claiming through or authorized by or acting as agent for the consumer and affected by the services or distribution business carried out by the distribution licensee.

Section 2 (15) of Electricity Act 2003 define a consumer as "consumer" means any person who is supplied with electricity for his own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public under this Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a licensee, the Government or such other person, as the case may be;"

As per this definition complainant is not consumer of the subject connection. Even otherwise as per complainants own version some other person by the name of Vijay Pal Singh is the consumer. As per complainant's own version he is not in possession of original GPA set as the same has been torn by said Anil Pal. Not only this complainant himself stated that as per Anil Pal's own version he was not the owner of sold plot. Thus how complainant could got ownership from a person who himself has no right to ownership to a particular property. This fact also gets through if read in conjunction with facts of FIR which specifically states that it is against cheating/abusing, threatening for killing mischief etc. It nowhere states that his property has been grabbed by said Anil Pal.

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Regarding possession complainant himself states that he later on found that after breaking open complainant's lock OP has put his lock thereon. Thus complainant failed to fulfill conditions required to be complainant as per DERC (Forum for Redressal of Grievances of the Consumers and Ombudsman) Regulation 2018 aforesaid.

Now issue no. 1 going against complainant there is no need to decide other issues as complainant has no locus standi to file present complaint.

Accordingly, the complaint is dismissed being not maintainable.

The case is disposed off as above.

No order as to cost/Compensation.


(P.K.SINGH)
CHAIRMAN


(S.R. KHAN)
MEMBER-TECH


(P.K.AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER

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