C G R F
B Y 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
Phone: 32978140 Fax: 22384886
E-mail:cgrfbypl@hotmail.com
SECY/CHN 015/08NKS

**C A No. Applied for**
**Complaint No. 237/2023**

**In the matter of:**

Amit Nain .....Complainant

**VERSUS**

BSES Yamuna Power Limited .....Respondent

**Quorum:**

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

**Appearance:**

1. Mr. Neeraj Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht & Ms. Shweta Chaudhary, On behalf of BYPL

**ORDER**

Date of Hearing: 24th August, 2023
Date of Order: 29th August, 2023

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

1. This complaint has been filed by Mr. Amit Nain, against BYPL-KWN.

2. The brief facts of the case giving rise to this grievance are that complainant Mr. Amit Nain applied for new electricity meter vide request no. 8006175765 and 8006175717 at house no. A-37, FF, Kh. No. 28, A block, RST Enclave, Kardam Farm, Johri Pur, Delhi-110094.



Attested True Copy
Secretary
CGRF (BYPL)

He also submits that respondent rejected his application for new connection on the pretext of premises found in UP Area and no BYPL network exists near the premises.

3. The respondent in reply briefly stated that the complainant applied for grant of new electricity connection at premises no. A-37A, first floor, Kh. No. 28, A-block, RST Enclave, Kardam Farm, which is claimed to be part of Delhi.

OP further submitted that site of the complainant was visited and it was found that applied premises in issue is still under construction and falls in UP. Left hand side and Right hand side properties on front side of applied premises are having BYPL meters whereas on back side of applied premises there are UP Discom meters including LHS-RHS properties of back side. Thus there is a sandwich network of BYPL and UP Discom meters in the subject area.

Regarding BYPL meters the same were released in year 2007. Regarding the connection bearing CA no. 150331522 shown to be energized on 24.01.2012, the same were also energized in the year 2007 however; on account of name change the date of energization stands modified to the year 2012.

It is also their submission that 9th Bi-annual report dated 10.07.2009 for the period 01.01.2009 to 30.06.2009 issued by the Electricity Ombudsman; NCT of Delhi under paragraph 3 had recorded as under:

**(3) New connections in Border Villages and Colonies**

**In the case Smt. Yashoda Devi Vs. BYPL, the consumer requested for grant of a new connection in an authorized colony named Kardam Farm in Johripur Extension, on the Delhi-U.P. Border. Evidently, part of the colony is in Delhi and part in UP. The BYPL has already sanctioned about 700 connections and many of these have been given to consumers located in the UP area. Some distribution infrastructure has also been laid in the UP area. As a result, a number of new**

consumers, reportedly in UP are agitating for new connections. Some have also produced Ration Cards and Election Cards wrongly issued to people living in UP.

This matter is required to be settled once and for all with the help of the Revenue Department of Delhi & UP, so that no consumer living beyond the boundary of Delhi is given a connection, and existing connections wrongly given, are also withdrawn. In future greater care should be exercised in grant of connections in border villages and colonies.

4. In rejoinder to OP's reply, complainant reiterating his stand further states that there is an electricity pole in front of property no A-37 and A-38. A connection was released in 2007 in the name of Satish Kumar vide CA No. 101538509. With respect to Bi-annual Report, complainant states that it does not pertain to present matter. In rejoinder to plea of requirement of sanctioned plan it states that the area is an unauthorized colony. Theft plea of OP is also denied stating that no theft bill or theft case is pending or initiated against the complainant before any court or authority. Regarding network rejoinder states that the property wherein the complainant's premises situate also have OP's network while there is no UP network.

5. Heard both the parties and perused the record.

6. The main issue in the present case is whether the premise of the complainant falls in Delhi area or UP Area. If in Delhi then can the electricity connection applied for by the complainant be granted.

7. In regard, of the connection already released by OP (erstwhile DVB/DESU) released the connection in the applied premises in the year 1981 we have gone through various orders/judgments passed by various forums and Courts.

Hon'ble Delhi High Court in the case of W.P. (c) 2453/2019 has held "However, merely because some of the occupants of the building have wrongly been given an electricity connection, it cannot be ground for the court to direct respondents' no. 2 and 3 to further compound the wrong act and direct granting of a new electricity connection to the premises of the petition which is located in the building whose height is more than 15 meters.

8. Now the only document to be relied upon for the purpose of deciding jurisdiction is Revenue record of a particular state. The complainant was given opportunity to produce the Revenue record/khasra Girdhwries/khata, issued by revenue authorities of Delhi which complainant is not able to produce. Consequently, complainant is not able to prove that the applied premises fall in the jurisdiction of Delhi. Particularly when GPA and back chain specifically is shown registered with Sub-Registrar, Ghaziabad (U.P.).

## ORDER

On the basis of aforesaid findings it is clear that the complainant has failed to prove that applied premises falls in Delhi. Accordingly, the complaint is dismissed.

The case is disposed off as above. No order as to cost/Compensation.

(H.S. SOHAL)
MEMBER

(NISHAT A ALVI)
MEMBER (CRM)

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

(P.K. SINGH)
CHAIRMAN