



C A No. Applied For  
Complaint No. 329/2023

In the matter of:

Asif

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. Nishat A Alvi, Member (CRM)
2. Mr. P.K. Agrawal, Member (Legal)
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 & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

Date of Hearing: 05<sup>th</sup> October, 2023  
Date of Order: 12<sup>th</sup> October, 2023

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

1. As per the complaint, complainant applied for new electricity connection vide request no. ONMVR0308230053 at premises no. B-437, Jawahar Mohalla, Patparganj, Delhi-110091, but respondent rejected the application of the complainant for new connection for want of ownership proof. Complainant states that he had already submitted I.Bond and Aadhar Card online along with application, so submitted for electricity connection.

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2. On notice, OP by filing its reply stated that complainant is seeking fresh electricity connection for domestic purpose at first floor of Jhuggi No. B-437, Jawahar Mohalla, Patparganj, Delhi-110091 vide order no. 8006487256. The site of the complainant was visited on 19.08.2023 and rejection letter was issued on 21.08.2023 for the following reasons:

- a) Energy dues against regular electricity connection having CA No. 152044513 in the name of Tosheen
- b) Enforcement dues against following CA numbers:

S.No.	CA No.	Registered consumer/user	Date of inspection
1	400031916	Muskan and Masoom Tailor	13.04.2007
2	400796093	Anees/Tosheen	16.12.2015
3	400952006	Kallu/Tosheen	05.12.2016
4	400952008	Shamina	05.12.2016
5	401001614	Nargis	27.04.2017
6	401001618	Chhote Lal	27.04.2017

Reply further states that as per documents submitted by complainant he has been residing at the subject property for last 18 years which itself leads to a conclusion that he has been the beneficiary of the outstanding dues and in all likelihood the Ground Floor of the subject property is in use and possession of the complainant of his family members.

Representative of the complainant submitted his rejoinder refuting therein the contentions of the respondent as averred in their reply and submitted that his relatives live on the ground floor and have disconnected connection vide CA no. 152044513 in name of Tosheen s/o Mohd Safi.






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He further submitted that the complainant is living separately with his family on first floor of Jhuggi No. B-437, FF, Jawahar Mohalla, Patparganj, Delhi-110091.

3. LR of the OP submitted that the complainant has applied for new connection at Jhuggi no. B-437, FF, Jawahar Mohalla, and complainant himself has admitted that his relatives are residing at the ground floor. Therefore, the pending dues are also payable by the complainant.
4. In support of their respective contention, complainant has placed on record copies of deficiency letter, e-mail dated 04.08.2023, Aadhar card, Pan Card, Ration Card, Letter dated 02.08.2023 of area counselor to OP and I bond and site photograph. On the other hand OP has filed copies of enforcement bill. Energy dues and inspection report.
5. Heard both the parties and perused the record.
6. Going through complainants' documents we find that first of all the only deficiency raised by OP is lacking of ownership proof. In response to deficiency letter, vide his e-mail dated 04.08.2023 complainant apprised the OP that he had already submitted I Bond and Aadhar Card online along with application concerned. We find no denial on behalf of OP of this e-mail. So far as Aadhar card is concerned though it shows that complainant is residing at B-437, Jawahar Mohalla, Patparganj, Delhi-110091, but it does not specify on which floor he is residing. Same is the case with Ration Card in the name of some Kheru Nisha, wherein complainant is shown one of the members of her family, as it also does not depicts on which floor he is

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residing with his family. Perusal of letter of area counselor certifies that complainant is residing at first floor of these premises as its owner. Indemnity Bond assures the OP to indemnify it against for all losses etc if it so suffers in case any fact submitted by complainant is found false or due to any sealing/demolition, notice/action by any competent Authority further stating that in that case OP shall be free to disconnect the electricity supply, granted in furtherance of his application, without any prior notice to the complainant. Photographs filed by complainant show four inlets in the said property. One door goes to ground floor Main Gate, and then of a shop on ground floor then is staircase towards first floor then is shown Right hand side portion of the said premises. As per this photographs as well as pleading of complainant this energy dues pertains to Ground Floor portion in possession of said Tosheen while he is residing at first floor thereof. OP though submitted bill of said Tosheen but being illegible it is difficult so find out as to on which floor it is installed. However, OP has not specifically denied complainant's version that the said connection is not on ground floor. With respect to OP's documents, the same are not legible and can be read only to the extent that there are two enforcement bills, energy bill and inspection report. Details whereof are not even readable. Therefore, we are constrained to rely only on pleadings and arguments of the parties.

As per OP's reply there is only one energy dues against CA No. 152044513 registered in the name of Tosheen. Regarding enforcement dues as per complainant's rejoinder CA no. 401001618, 40095208 pertains to Right hand side portion of first floor while complainant's premises are on the Left hand side. CA No. 401001614 though not given any floor but is of Right hand side premises. Again CA No.

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400031916 do not pertain to 1<sup>st</sup> floor and CA No.1520445138 of Tosheen is of Ground Floor. Rests of the enforcement dues have been settled. We don't find any document/pleading to nullify these contentions of the complainant on behalf of OP.

On the basis of above said findings first of all we observe that the only objection shown in deficiency letter is lack of ownership proof. It nowhere mentions of any energy and/or enforcement dues. Taking this plea is against the provisions of Regulations concerned as deficiency can be raised only in one go and not thereafter again.

However, even if for the sake of arguments these objection are taken into consideration, as per complainant's record he is in rightful possession of Ist floor of left hand side of the said premises no. B-437. Aforesaid energy dues pertain to ground floor of said portion owned by one Tosheen. OP's plea that he is complainant's brother has no force in the eyes of law so far as liability of this portion is concerned. Regarding enforcement dues complainant has denied specifically as aforesaid, while OP has failed to prove that the same pertains to complainant. Even otherwise OP has given specific names of person against whom enforcement dues are, which does not include complainant's name.

In the fact and circumstances aforesaid complainant has successfully proved his rightful occupancy of the applied premises along with the fact that the dues energy/enforcement does not pertain to him/his premises. Therefore, OP's rejection to grant connection as applied for is baseless. Hence, in our considered opinion complainant is very much entitled for the grant of such connection.

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7. In case titled as Dilip (dead) LR Vs Satish Scc online SC810 dt. 13.05.22, Hon'ble Supreme Court has held that electricity is a basic utility to which a person cannot be deprived off.


ORDER


Complaint is allowed. OP is directed to release the connection applied for by the complainant in left hand side portion of 1st floor in premises no. B-437, Jawahar Mohalla, Patparganj, Delhi-110091, after completing commercial formalities as per DERC (Supply Code and Performance Standards) Regulations, 2017.

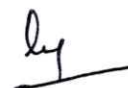
No order as to the cost.

OP is also directed to file compliance report within 21 days from the receipt of this order.

ON LEAVE  
(H.S. SOHAL)  
MEMBER

  
(NISHAT A. ALVI)  
MEMBER (CRM)

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

  
(P.K. AGRAWAL)  
MEMBER (LEGAL)

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