

**CA No. Applied for
Complaint No. 12/2023**

In the matter of:

Dinesh SahaniComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmed 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. Mohd Mustafa Alam, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. Gaurav, Mr. Nishant, Ms. Shweta Chaudhary & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 21st March, 2023
Date of Order: 31st March, 2023

Order Pronounced By:- Mr. H.S. Sohal, Member

1. This complaint has been filed by Mr. Dinesh Sahani against BYPL-KRN.
2. The brief facts of the case giving rise to this grievance are that an electricity connection was installed at the premises of complainant in the year 2019 for a load of 5 KW vide CA No. 152995508. It was a pre-paid meter and the complainant availed electricity service for two years from the said connection.

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Secretary
CGRF (BYPL)

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Somewhere in October-November 2021, the complainant applied for load reduction from 5 KW to 1 KW against the said connection but respondent instead of reducing the load disconnected the supply to the complainant and removed the meter on 22.11.2021.

Thereafter, the complainant applied for new electricity connection on 08.12.2021 vide application no. 8005995196 for a load of 1 KW but respondent rejected the application of new connection of the complainant on the pretext of long service line upto 100 meters and premises is in O zone area.

The complainant again on 01.11.2022 applied for new electricity connection, this time again respondent rejected application of complainant by giving new reasons i.e. Energy dues against CA No./meter, enforcement dues against CA/meter, temporary structure found at site is in O zone area (Yamuna floodplains) and long service line/extension of network required.

3. OP in its reply briefly stated that the complainant is seeking new electricity connection at Jhuggi no. 11, GF, Thokkar no. 14, Rani Garden, Shastri Nagar, Delhi. The complainant applied for new connection vide application no. 8005995196 which was rejected by them because Energy dues against CA No./meter, enforcement des against CA/meter, temporary structure found at site is in O zone area (Yamuna floodplains) and long service line/extension of network required. In year 2019 new connection applications were received in respect of JJ cluster area near Taj Enclave. The complainant gave details of 17 Jhuggis which were ready to utilize electricity in case connection was given to the complainant.

OP further added that after much deliberation in order to curb theft of electricity it was decided to give permanent connection of 5 KW for

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CGO (BYPL)

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domestic purposes in the name of application/complainant and further it was decided that meter would be installed on pole. The connection bearing CA No. 152995508 was energized in the name of applicant showing his address as billing address in December 2019 and on payment of service line and other charges including one installment of Rs. 2000/- pre-paid meter was installed. Thereafter, no payment was made by the complainant, and complainant was issued disconnection notice on dated 22.11.2021, accordingly, on the request of complainant electricity was disconnected, meter was removed and sent to lab which gave its report on 23.12.2021 and on the basis of meter reading final bill of Rs. 2,07,665/- was prepared which is payable by the complainant failing to which no new electricity connection can be granted.

4. Arguments of both the parties are heard.
5. Representative of the complainant submitted an affidavit that their area does not fall in 'O' zone. As per the information provided by Delhi Development Authority "the areas of Shastri Park, Rani Garden and Geeta Colony falls under "E" zone as per the Master Plan". It was also submitted that the tentative list of unauthorized colonies in Zone O does not include Rani Garden, Geeta Colony and Shastri Park. The list of unauthorized colonies falling the zone 'E' includes Rani Garden extension, Shastri Nagar, and Rani Garden (Ambedkar Park) Shastri Nagar, Delhi-110031.

Counsel of the complainant further argued that the meter installed by the respondent was pre-paid and the complainant used the electricity through it when the meter was recharged. He further submitted that the pending dues of Rs. 2,07,665/- as claimed by respondent are dues of all the 17 persons who have used electricity, thus, only complainant is not liable to clear all the pending dues.

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6. LR of the OP submitted that though the pre-meter was installed at the pole in name of complainant but due to some technical glitch the said pre-paid meter kept on serving electricity to the complainant and other beneficiaries without being recharged at regular intervals. OP further added that at the time of release of new connection complainant gave consent that he would be liable to clear the dues of the pre-paid electricity meter on behalf of other 17 beneficiaries, which is evident from the e-mail dated 26.09.2019 which states that the complainant Mr. Dinesh Sahani, (Mob No. 8447207172) has given the details of 17 Jhuggis, these Jhuggis are ready to utilize the electricity from this connection.
7. Heard both the parties and perused the record. From the perusal of evidence placed on record pleadings and after hearing both the parties it is transpired that the complainant applied for fresh electricity connection in his name which respondent rejected reciting that the complainant's premises falls under 'O' zone area (Yamuna Floodplains) and pending dues of CA No. 152995508 amounting to Rs. 2,07,665/-.

Against the first rejection of the respondent that the complainant's premises falls under 'O' zone, the representative of the complainant submitted tentative list of Unauthorized colonies falling in Zone 'E' includes Rani Garden Extension, Shastri Nagar, Delhi-110031 and Rani Garden (Ambedkar Park) Shastri Nagar, Delhi-110032.

Regarding the second objection of the respondent, pending dues of CA No. 152995508, since the connection was energized in the name of complainant i.e. Sh. Dinesh Sahani, and Dinesh Sahani having mobile no. 8447207172 and he gave the details of 17 Jhuggis, who were to utilize the electricity from this connection, therefore, Dinesh Sahani is liable to clear the dues for release of new electricity connection.

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ORDER

Complaint is partially allowed. Respondent's objection that premises of the complainant falls under 'O' zone is not sustained as it has been found in E zone as per plan submitted. Further, respondent is directed to release the new connection to the complainant after payment of the pending dues by the complainant and also taking undertaking from the complainant that if in future Govt. of NCT of Delhi release another/final list regarding areas falling in O zone OP is free to disconnect the supply of the complainant if his area/Jhuggi falls in O Zone.

Keeping in view the financial condition of the complainant, respondent is also directed to waive off the entire LPSC from the pending bill of the complainant and if complainant wants he may be allowed payment in reasonable instalments.


The OP is also directed to file compliance report to this office within 21 days from the issue of this order


The case is disposed off as above.

No order as to the cost. Both the parties should be informed accordingly.
Proceedings closed.


(S.R. KHAN)
MEMBER-TECH


(P.K. SINGH)
CHAIRMAN


(P.K. AGRAWAL)
MEMBER-LEGAL


Attested True (NISHAT AHMAD ALVI)
MEMBER-CRM
Secretary
CGRF (BYPL)


(H.S. SOHAL)
MEMBER