

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. 75/2022

In the matter of:

Kesar Singh Kashyap

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mrs. Vinay Singh Member(Law)
2. Mr. Nishat Ahmad Alvi, Member (CRM)

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Mr. Imran Siddiqi & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

Date of Hearing: 02nd June, 2022

Date of Order: 06th June, 2022

Order Pronounced By:- Mrs. Vinay Singh, Member (Law)

Briefly stated facts of the case are that the complainant applied for new electricity connection but respondent has not released the new connections till date.

The complainant's grievance is that he is residing at H.No. A-96, GF, Shop No. 13, A-Block, Pandav Nagar, Near Gurudwara, Delhi-110092 and applied for new electricity meter vide application no 8005412788 dated 14.01.2022 but the

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respondent rejected his application for new connection on pretext of premises under MCD objection list. Therefore, he requested the Forum to direct the respondent for immediate release of new connection.

Notices were issued to both the parties to appear before the Forum on 10.05.2022.

The respondent in their reply submitted that applicant Sh. Keshar Singh applied for new electricity connection for domestic category vide application no. 8005412788 at A-96, GF, Shop No. 13, A-block, Pandav Nagar, Near Gurudwara, Delhi-92. During site verification it was found that applied address of the premises for which the new electricity connections was applied is appearing in the objection list of EDMC.

The counsel of the complainant submitted Information under DRTI Act 2001, LD No. 219(123623) dated 04.03.2022. Wherein it was mentioned that details of booking is not available on record.

The matter was listed for hearing on 10.05.2022, when counsel of the complainant submitted RTI letter dated 25.04.2022 EDMC that in this regard no information is available on record. Both the parties were asked to file clarity on booking by EDMC.

Secretary of the Forum was directed to issue letter to the officials of EDMC to appear before the Forum.

The matter was finally heard on 02.06.2022, when arguments of both the parties were heard and matter was reserved for orders.

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The main issue in the present complaint is for releasing the connection in favour of the complainant.

The present complaint is filed by complainant for new connection which respondent has objected that this property is booked by EDMC for unauthorized construction. As per the General Power of Attorney, Agreement to sale, deed of will of dated 05th Day of September 2008 in favour of Krishna Devi Kashyap but the complainant who has filed the complaint before the Forum is no where entitled to obtain a connection in his name who is the complainant here, if any authority letter is filed by the complainant before the respondent which is not mentioned, filed by the complainant before the Forum. There is one No Objection filed with the complaint given by Sh. Krishna Devi Kashyap to his husband Sh. Kesar Singh Kashyap in which it seems/written/mentioned as landlord and tenant which is not proper document and the rent deed will also. But it is very much surprised to see this kind of No-Objection Certificate. In these kinds of cases only the authority letter/GPA should be given by the wife to the husband.

The respondent has raised the objection of EDMC book for unauthorized construction of the property A-96, Pandav Nagar, in the name of Surender Kaur on dated 21.06.2021 and the GPA agreement to sale and deed filed by the complainant with the complaint of dated 05th day of September 2008 is in the name of Smt. Krishna Devi Kashyap wife of Sh. K.S. Kashyap and which is clearly mentioned the address built up one shop at ground floor upto the extend to ceiling level shop no. 13 property bearing no. A-96, situated in the abadi of Block-A, Pandav Nagar. As the complainant filed the RTI file of dated 29.04.2022 is of the same address as mentioned in GPA or agreement to sale as differ from the respondent objection letter of EDMC.

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As decided by Hon'ble Calcutta High Court, In the matter of Saifuddin Vs CESC limited, 27 H 29 Calcutta High Court. The Court is of opinion that electricity is the basic necessity.

When this complaint was put up before hearing, complainant is directed to provide EDMC No Objection Certificate for releasing the new connection. Complainant filed the RTI reply on 19.05.2022 in which it is mentioned that "information regarding plot no. A-96, GF, Shop No. 13, A Block, Pandav Nagar, Near Gurudwara, Delhi-110092." As per Para 3 of RTI reply "Information sought is not available on record."


So, we are of considered opinion that the connection demanded by the complainant has a different address and owner and the booked letter filed by the respondent has a different owner and different address of block.


We direct,

1. The complainant is directed to file a proper General Power of Attorney or authorization letter for connection in his name. Not as No-objection filed before the Forum as a landlord or tenant (because they are husband and wife).
2. The respondent is directed to release the connection as per DERC after fulfilling all the commercial formalities as per DERC Regulations 2017.

The case is disposed off as above.

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


(NISHAT AHMAD ALVI)
MEMBER (CRM)


(VINAY SINGH)
MEMBER (LAW)
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