



C A No. Applied For
Complaint No. 365/2023

In the matter of:

Mahesh ChandComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Agrawal, Member (Legal)
2. Mr. S.R Khan, Member (Tech.)
3. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Imran Siddiqui, Counsel of the complainant
2. Ms. Ritu Gupta, Ms, Chhavi Rani & Mr. Akshat Aggarwal on behalf of respondent

ORDER

Date of Hearing: 22nd February, 2024
Date of Order: 28th February, 2024

Order Pronounced By:- Mr. S. R Khan, Member (Tech.)

1. The complaint has been filed by Mr. Mahesh Chand against BYPL-Nand Nagri. The brief facts of the case giving rise to this grievance are that the connection installed at the shop of the complainant was disconnected in September 2023 on the basis of application of Sh. Damodar Pant, who was erstwhile owner of the shop.

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He further submitted that he purchased the said property from Sh. Damodar Pant on 10.12.2018. Thereafter, he applied for new electricity connection but respondent rejected his application for new connection on pretext of premises appearing in MCD objection list.

2. OP in its reply briefly stated that the complainant is seeking restoration in respect of a disconnected connection bearing no. 152187355 or in alternative a new connection on G/F in property bearing no. 1153, Shop No-1, DDA Flats, GTB Enclave, Nand Nagri, Delhi-110093. The electricity connection in respect of which the complainant is seeking restoration was registered in the name of Sh. Damoder Pant. The said connection was installed at the subject premises, and was disconnected in September 2023. As the connection was registered in the name of person other than the complainant, as such the respondent had no privity of contract with the complainant. Therefore no restoration can be sought by the complainant with respect to CA. No. 152187355. Further, the complainant had applied for new electricity connections of 1 KW vide order no. 8006521491 under the Non-domestic category. The same was rejected as the building was found to be booked by the MCD. The subject building is mentioned at serial no. 112 of the list bearing no. EDMC/EE(B)-I/SH-N/2018/D-51 dated 08.02.2018. Thus in order to curb the mushroom growth of unauthorized construction in Delhi, the electricity DISCOM cannot release electricity connection in properties that are booked by the MCD until a building completion certificate (BCC) or an NOC in lieu thereof is furnished by the applicant or the complainant herein.

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3. In response to the reply the complainant filed rejoinder. The complainant has purchased the said shop property bearing no- 1153, G/F, Shop No-1, DDA Janta Flat, GTB Enclave, Nand Nagri, Delhi-110093 from the Sh. Damodar pant on dated 10.12.2018 fitted with an electricity connection having CA no. 152187355 in the name of Sh Damodar pant and since, then the complainant was enjoying electricity connection against CA no. 152187355 and since then was paying the bills of electricity raised. However, in September 2023 electricity meter of CA no 152187355 was removed by the BYPL without informing the complainant, who was using the said connection.. That after removal of meter the complainant approached the respondent office there he was informed that meter was removed on the request of Sh. Damodar pant that too without filling any document and suppressing the fact that he has sold the shop to Sh. Mahesh Chand.
4. The main issue in the present case is disconnection of the electricity connection on application of erstwhile owner of the property and non-release of new electricity connection, since the premises are appearing in the MCD objection list.
5. Regarding the disconnection of the electricity connection installed vide CA No. 152187355, the said connection was installed in the name of Sh. Damodar Pant and Sh. Damodar Pant sold the property in question to Sh. Mahesh Chand in the year 2018 through notarized GPA. After the purchase of the property the complainant has to apply for name change of the subjected connection, which the complainant failed to do and keep on enjoying electricity.





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It is duty of the complainant to inform OP regarding ownership title change of the subjected property, therefore, OP should not be held responsible for disconnection of the electricity connection in the name of Damodar Pant, as Damodar Pant applied for both new connection and disconnection of the said connection.

6. Therefore, restoration of the connection having CA No. 152187355 does not arise. Regarding application of the complainant for release of new connection, the subject property is now booked by MCD and counsel of the complainant had not denied this fact. Thus for release of new electricity connection the complainant has to produce Building Completion Certificate or NOC from the concerned authority.


ORDER

The complaint is rejected. For release of new electricity connection, complainant has to fulfill 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.


(H.S.SOHAL)
MEMBER


(P.K. AGRAWAL)
MEMBER (LEGAL)


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

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