



C A No. Applied For
Complaint No. 165/2022

In the matter of:

Mehmood Ali AnsariComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmed Alvi, Member (CRM)
3. Mr. S.R. Khan, Member (Technical)
4. Mr. P.K. Agrawal, Member (Legal)
5. Mr. Vijay Singh, Member

Appearance:

1. Mr. Mehmood Ali Ansari, Mr. R.P. Singh, on behalf of the complainant
2. Mr. Lalit Narayan Singh, Mr. Naresh & Mr. Subhash, On behalf of third party
3. Mr. Imran Siddiqi, Ms. Ritu Gupta, Ms. Pragya Paliwal, Ms. Shweta Chaudhary and Mr. Shubham Singh, On behalf of BYPL

ORDER

Date of Hearing: 20th October, 2022
Date of Order: 25th October, 2022

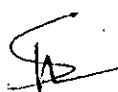
Order Pronounced By:- Mr. P.K. Singh, Chairman

1. This complaint has been filed by Sh. Mehmood Ali Ansari, against BYPL-VSE.

1 of 5

Complaint No. 165/2022

2. The brief facts of the case giving rise to this grievance are that the complainant Sh. Mehmood Ali Ansari, has applied for new electricity connection at premises no. A-86, First Floor, GD Colony, Mayur Vihar, Phase-3, Delhi, vide application no. 8005736702. The application of consumer was rejected by Opposite Party (OP) BYPL on the pretext that Ownership dispute/court case as per clause no. 11 (2-iv) of DERC Supply Code.
3. The respondent in reply briefly stated that new electricity connection has been applied by Mehmood Ali Ansari vide request no. 8005736702 at House No. A-86, First Floor, GD Colony, Mayur Vihar Phase-3, Delhi. It is also their submission that one complaint dated 09.10.2021 was received from Sh. Naresh Kumar, whereby he claimed that his father Sh. Mamchand was the owner of the property who passed away on 19.04.2021 and hence claimed ownership in the subject premises in his capacity as son of Sh. Mamchand.
OP also submitted that Sh. Naresh Kumar through said letter asked BSES YPL not to grant any new connection or carry out name change in respect of old connections existing at the subject premises without his permission. On account of complaint of Naresh Kumar, respondent refused to grant new connection to the complainant. At present subject premises is electrified through electricity connections bearing CA No. 101131995.
4. Heard all the parties and perused the record.
5. The issue is whether the connection of the complainant vide application number 8005736702 can be released or not?





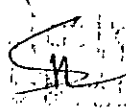
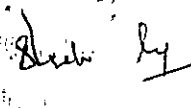

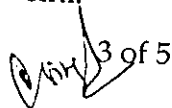






Complaint No. 180/2022

6. The complainant has argued that he has applied for new electricity connection at premises no. A-86, First Floor, GD Colony, Mayur Vihar, Phase-3, Delhi, vide application no. 8005736702 but respondent rejected his application for new connection on pretext that there is ownership dispute. He further argued that he had all the property papers in his favour and he is owner of the premises.
7. Legal Representative of the BYPL has argued on basis of evidence available on record. OP submitted that one Sh. Naresh Kumar claimed to be son of Sh. Mamchand, hence he claimed ownership in the subject premises in his capacity as son of Sh. Mamchand. OP further stated that already one electricity connection is energized in the same premises vide CA No. 101131995 in name of Naresh Kumar and as per DERC Guidelines 2017 they cannot release other connection in the same dwelling unit.
8. Sh. Naresh Kumar was also called to appear before the Forum. Legal Representative of Sh. Naresh Kumar submitted that Sh. Mehmood Ali Ansari applied for new electricity connection in his name at First floor of property no. A-86, GD Colony, Mayur Vihar, Phase-3, Delhi vide application no. 8005736702, there already a connection in his name vide CA no. 101131995 is energized and Mehmood Ali Ansari is using electricity through that connection. He further objected that there is no need for release of new connection.
9. Therefore, the factual position as apparent on record is that the complainant Mehmood Ali Ansari has applied for new electricity connection vide application no. 8005736702 in his residence at first floor of property no. A-86, GD Colony, Mayur Vihar, Phase-3, Delhi.

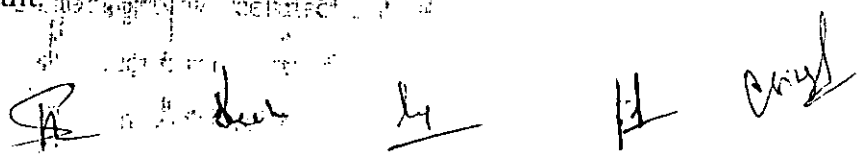
    3 of 5

Complaint No. 180/2022

He is in possession of that portion and OP as rejected his application on pretext of being ownership dispute pending in Civil Court. In this particular premises one electricity connection vide CA No. 101131995 is energized and Mehmood Ali Ansari is using electricity through this connection. Mehmood Ali Ansari submitted that he has purchased this portion from one Sh. Mamchand father of Naresh Kumar and applied for new connection as owner of this flat. Whereas, Sh. Naresh Kumar had made complaint to OP-BYPL that ownership dispute is pending and Mehmood Ali Ansari is only living in his premises as tenant and the new connection applied by him cannot be released in his name.

10. As per DERC (Supply Code and Performance Standards) Regulations, 2017, Regulation 3 New connection can be given when the proof of ownership or occupancy of the premises shall be provided to respondent. Licensee has rejected complainant's application as per Rule 11 (2) (iv) indicating the deficiency that the ownership dispute is pending in the court. It is admitted position that complainant has no registered sale deed in his favour whatever documents he has supplied before the Forum are notarized documents.

11. Ownership dispute is admitted and pending in the Civil Court, hence Licensee has rightly rejected the application of the new connection of the complainant.



Complaint No. 180/2022

ORDER:-


Complaint is rejected, but OP is directed that the connection in the premises in the name of Naresh Kumar which is being used by Mehmood Ali Ansari should be continued if the complainant keeps on paying regular energy dues as and when raised by OP and no irregularities are found.


The case is disposed off as above.


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


(P.K. SINGH)
CHAIRMAN


(S.R. KHAN) 25/10/22
MEMBER-TECH.


(NISHAT AHMAD ALVI)
MEMBER-CRM


(P.K. AGRAWAL)
MEMBER-LEGAL


(VIJAY SINGH)
MEMBER