



C A No. Applied For  
Complaint No. 182/2023

In the matter of:

Rehmat Jabin .....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:

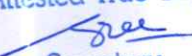
1. Mr. Rehmat Jabin, Complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Mr. Tarun Anand, Ms. Shweta Chaudhary & Ms. Chavi Rani, On behalf of BYPL

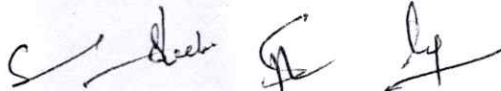
ORDER

Date of Hearing: 04<sup>th</sup> July, 2023  
Date of Order: 17<sup>th</sup> July, 2023

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

1. The complainant's grievance is that he applied for new electricity connection vide request no. 8006201555 at premises no. 1462, 4<sup>th</sup> floor, front side, Kh. No. 38, Gali No. 48, Jafrabad, Near Gumbad Wali Masjid, Delhi-110053, but respondent rejected his application for new connection on pretext of enforcement dues against CA/meter, connection already exists, 35727074, 35727071 - meter already exist at 4<sup>th</sup> floor and

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(401329003, 62,711.40/- 401367148, 22067.62/-, 401397046, 276148.52, 401397047, 35533.85/-, 401397048, 45894.55/-, 401418157 74,532.52/- and 401418163 23,790.68). Enforcement dues have been paid in settlement. Later on some energy dues outstanding of premises in which applied property situated are also pending which complainant pleads not payable, hence, prayed for release of connection.

2. OP in its reply briefly stated that the complainant is seeking new connection and withdrawal of dues of Rs. 46,880/- which were transferred proportionality from CA No. 101471585 (disconnected connection) registered in the name of Mohd Anjum to CA No. 153554528 (then live connection) registered in the name of Daraksha Malik user whereof was complainant. OP further added that premises bearing no. 1462 there was one electricity connection existing which was disconnected on outstanding dues of Rs. 3,28,165.47. The said connection was disconnected on 26.03.2021. On site visit 28.07.2022, it transpired that said disconnected connection was being provided electricity through seven connections having billing address as 1464 instead of 1462. The details of seven connections are as follow:

S.No.	CA No.	Registered Consumer	Date of Energization
1	153554536	Daraksha Malik	25.11.2021
2	153554542	Daraksha Malik	25.11.2021
3	153554541	Daraksha Malik	25.11.2021
4	153554545	Daraksha Malik	25.11.2021
5	153554533	Daraksha Malik	25.11.2021
6	153554528	Daraksha Malik	25.11.2021
7	153554537	Daraksha Malik	25.11.2021

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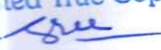
On revisit again the supply was continued. Therefore, all these consumers were issued notices to either explain their defense, if any, failing which outstanding on disconnected connection shall be transferred. Notice did not respond. Therefore, the outstanding was transferred on all the seven connections on non-payment whereof the said live connections were disconnected.



OP further added that in March 2023 the complainant applied for new connection that admittedly as per his own showing was earlier getting electricity through CA No. 153554528. As premises were already electrified and as dues were outstanding and as there was mismatch of address in respect of application of new connection of complainant deficiency letter was issued to the complainant. The new connection can be provided as per law on clearance of outstanding dues of Rs. 46,880/- on the basis of ownership documents of property bearing no. 1462.

It is also submitted that outstanding dues which were transferred pertain to the premises in issue. The same is numbered 1462. However, as dues were outstanding as such in order to get fresh electricity connections the same were obtained by playing fraud on OP by placing ownership documents wherein the property was numbered as 1464 when the fact of matter is that there is only one property which is actually numbered 1462.

3. On 25.04.2023, the complainant was fixed for filing of reply which OP filed. During the proceedings it came to the knowledge of this Forum that the subject premises were having connection but the same was disconnected on non-payment of outstanding dues. The said outstanding dues were told as transferred dues of another disconnected connection. Complainant though stating not liable for the same agreed

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to pay the same if dues are correctly proportioned as per her share alongwith other connection holders. And on Forum' suggestion and subject to final decision of this Forum and on OP's assurance, the complainant agreed to pay Rs. 35,000/- if the connection is immediately released.

4. On final hearing OP filed details of pro-rata amount, stating that dues of CA No. 101471585 (Mohd Anjum) amounting to Rs. 328165/- divided in five parts (per floor)  $328165/5 = 65633/-$ . Since fourth floor has two dwelling units, complainant is liable to pay half thereof. This half share after deduction of LPSC comes to Rs. 29636/-.
5. At this stage complainant apprised this Forum that OP has released two connection on 2<sup>nd</sup> and 3<sup>rd</sup> floors of the premises of which outstanding is also to be transferred on pro-rata basis. Complainant further states that as a condition precedent OP has received 1,69,327/- on release of these connections by the name of outstanding. Therefore this amount should be deducted out of total outstanding and pro-rata should be on the remaining amount.
6. As far as legal position is concerned in the present case, Sub-Regulation 4 of Regulation 10 of DERC Supply Code and Performance Standards, Regulations 2017, which is narrated as under:-

**(4) Sub-divided Property:-** (i) Where property/premises have been legitimately subdivided, the owner/occupier of the respective portion of such sub-divided property shall be entitled to obtain independent connection in his name.

(ii) The Licensee shall provide the connection, to the applicant of respective portion of the legitimately sub-divided property, on payment

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of outstanding dues on pro-rata basis for that portion, based on the area of such sub-division or as mentioned in sub-division agreement, and the Licensee shall not deny connection to such applicant on the ground that dues on the other portion(s) of such premises have not been paid, nor shall the Licensee demand record of last paid bills of other portion(s) from such applicant(s).

7. Going through the pleadings, evidences, Regulations concerned and after hearing both the parties, this fact is proved that there is an outstanding of Rs. 3,28,165.47 on applied premises no. It is also not disputed that all the connection holders/seeks are liable to repay the said outstanding as per their shares on pro-rata basis.

Now two questions are to be decided, firstly correctness of the share of the complainant as filed by the OP, to be paid by her. Secondly, whether complainant's contention that the only outstanding to be recovered from all consumers should be minus the sum paid, to the OP, by two new consumers of second and third floor or not.

With reference to OP's figure it has reached the figure by dividing the total outstanding from 5 stating that there are only 5 units. However, later on it states that on fourth floor there are two units.

8. From the narration of facts and material placed before us OP has calculated the amount of pro-rata share of the complainant as per above mentioned DERC Guidelines, according to which the outstanding to be paid by the complainant as per his pro-rata share remains Rs. 29636/-, if this Forum waives the LPSC. Since the complainant has made payment of Rs. 35,000/- in compliance of interim order passed 25.04.2023, OP has received Rs. 5364/- extra which OP is liable to refund to the complainant.

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ORDER

In view of the aforesaid considerations, complaint is allowed with respect of first part of the prayer, to release the connection, subject to payment of Rs. 29636/- (Rupees twenty nine thousand six hundred thirty six only) to the OP by the complainant, after exempting the complainant from paying LPSC.


As in compliance of interim order dated 25.04.2023, OP has already released the electricity connection in the premises under consideration after receipt of Rs. 35,000/- from the complainant, subject to final decision of this Forum, direction for the same has already been complied with. However it is directed that OP shall not disturb the said connection on the ground of present outstanding in future.


Now as the complainant's liability is limited to only Rs. 29,636/-, rest of the amount of Rs. 5,364/- extra paid, shall be refunded by the OP to the complainant as per rules.


The case is disposed off as above.

No order as to the cost. File be consigned to Record Room.

  
(H.S. SOHAL)  
MEMBER

  
(NISHAT A. ALVI)  
MEMBER (CRM)

  
(P.K. AGRAWAL)  
MEMBER (LEGAL)

  
(S.R. KHAN)  
MEMBER (TECH)  
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