

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

CA No. Applied For
Complaint No. 222/2022

In the matter of:

Zia Ur RehmanComplainant

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)

Appearance:

1. Mr. Neeraj Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. Imran Siddiqi, Ms. Seema Rawat & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 10th January, 2023
Date of Order: 18th January, 2023

Order Pronounced By:- Mr. P.K. Agrawal, Member (Legal)

1. This complaint has been filed by Mr. Zia Ur Rehman, against BYPL-PHG.
2. The brief facts of the case giving rise to this grievance are that complainant Mr. Zia Ur Rehman lives at premises no. 6479, FF, Gali Ishwari Prasad, Bara Hindu Rao, Delhi and applied for new electricity

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connection vide order no. 8005748753 but respondent rejected his applications for new connection on pretext of same site energy and enforcement dues.

3. The respondent in reply briefly stated that the complainant is seeking fresh electricity connection for first floor of property no. 6479, Gali Ishwari Prasad, Bara Hindu Rao, Delhi and the building is used for both domestic as well as commercial purposes and consists of ground plus two floors. On account of outstanding dues fresh electricity connection cannot be granted.

On site verification it was found that the enforcement and energy dues are outstanding against the premises sought to be electrified. Details of the pending bills are as under:

- a) Energy dues against CA No. 100495231 and 100371050.
- b) Enforcement dues against CA No. 401462608, 401502064, 401381035, 401502063, 401502062, 401502061, 401541020, 401379007, 401462607, 401381033 & 401567271.

OP further submitted that in terms of Regulation 10 & 11 of DERC (Supply Code and Performance Standards) Regulations 2017 pertains to grant of new electricity connection. In terms of the said regulation applicant has to clear outstanding dues before grant of new connection. OP also quoted citations of various court orders of Hon'ble Supreme Court and High Court.

4. Heard both the parties and perused the record.
5. The issue is whether new connection can be released in the premises where energy and enforcement dues are pending.

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6. The Authorized Representative of the complainant has argued that he applied for new electricity connection vide request no. 8005748753 at premise no. 6479, FF, Gali Ishwari Prasad, Bara Hindu Rao, Delhi-110006, but OP raised objection that dues are pending against the said premises. He further submitted that they are willing to clear all the energy and enforcement dues pertaining to their portion. The enforcement dues which OP is asking for payment pertains to the second and ground floor of the building and they have applied for new electricity connection on the first floor. He also added that he is ready to pay the pro-rata amount of his portion of the energy bills of disconnected connection in the name of Mohbin Fatma and Atha Rehman.
7. Legal Representative of the BYPL has argued on basis of evidence available on record. They submitted that the pending energy and enforcement dues on the ground, first and second floor of the subjected premises pertains to complainant as the occupants on the other floors of the subjected premises are in relation to the complainant therefore; the complainant is liable to clear all the dues before the release of the new connection.
8. From perusal of the record placed before us and pleadings of both the parties we observe that the OP submitted site inspection report dated 25.06.2022 which shows that already a meter exists at site vide meter no. 35671746 in name of Mohd. Aslam. The said meter is installed since 2011 in premise no. 6479, FF, Bada Hindu Rao, Delhi-110006.
- We also find that already there are regular energy dues of Rs. 17632.18 against disconnected connection CA No. 100495231 in name of Mohbin Fatma, and Rs. 15120.68/- against disconnected connection having CA No. 100371050 in name of Atha Rehman.

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There are almost 11 number direct theft bills at the applied premises which are pending for payment. Representative of the complainant in his rebuttal admitted that his three brothers are also staying the in the same premises one on the ground floor and two brothers on the second floor of the premises.

From this submission it is clear that the complainant's extended family is residing in the entire building and the energy as well as enforcement dues pertains to same family only.


9. Therefore, we are of considered opinion that for release of new electricity connection complainant first have to clear all the outstanding energy and enforcement dues.


ORDER

Complaint is rejected. Respondent is directed to release the connection applied by complainant after completion of all the commercial formalities and payment of all the pending dues by the complainant.

The case is disposed off as above.

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


(NISHAT A. ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


(P.K. SINGH)
CHAIRMAN