



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
Phone: 32978140 Fax: 22384886
E-mail: cgrfbypl@hotmail.com
SECY/CHN 015/08NKS

CA No. 150130827
Complaint No. 29/2020

In the matter of:

Arun Lata AggarwalComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. Arun P Singh (Chairman)
2. Mrs. Vinay Singh, Member (Legal)
3. Dr. Harshali Singh, Member (CRM)

Appearance:

1. Dr. Arunlata Aggarwal, Complainant
2. Mr. Imran Siddqi, On behalf of BYPL

ORDER

Date of Hearing: 31st August, 2020
Date of Order: 07th September, 2020

Order Pronounced By:- Mr. Arun P Singh (Chairman)

Briefly stated facts of the complaint are that the respondent company disconnected the electricity supply of the complainant in August 2019.

The complainant submitted that she had the electricity connection vide CA No. since 2011 at her property no. 109, Prakash Mahal, Daryaganj, New Delhi-110002. She further submitted that the said connection was found disconnected in August 2019. She approached the respondent for re-connection of her connection and also submitted her property documents, but the respondent did

Harshali Singh

[Signature]

1 of 5

[Signature]

Complaint No. 29/2020

not re-connect her connection despite her repeated requests. Therefore, she requested Forum to direct the respondent company for re-connection of her electricity connection at the earliest.

Notices were issued to both the parties to appear before the Forum on 07.08.2020.

The respondent company submitted their reply stating therein that the present complaint is regarding change of name of domestic category electricity connection vide CA No. 150130827 with meter no. 11206666 energized on 30.06.2011, in name of Arun Lata Aggarwal at the premise address 4885, FF, MCD ward no. 11, 109, Prakash Mahal, Darya Ganj, Delhi Gurudwara, New Delhi-110002, to the name of "Fakruddin Ali" from 07.07.2019 without the knowledge and intimation to the complainant.

Respondent further added that the application for change of name was submitted by Fakruddin Ali along with ownership documents i.e. registered GPA and the said application was processed as per Regulation 17(1) of DERC (Supply Code and performance standards) Regulations 2017. It was also their submission that when the complainant approached the division with the complaint of illegal name change without her permission or intimation, a notice dated 03.01.2020 was issued to Fakruddin Ali, but still no response has been received from him.

The matter was heard on 07.08.2020, when it was found that there is negligence on the part of the respondent. The respondent transferred the connection to Fakruddin on GPA which was registered in 2004, but the complainant got new connection in 2011 by registered document for purchase of the flat. The complainant also submitted copy of her registered sale deed in her favour dated 21.01.2011.

On next date of hearing, the complainant was not present, but sent a mail that her connection is reverted back (in her name) but not connected so far. She also asked for compensation. The complainant's connection was disconnected somewhere in August 2019; and she was roaming hither and thither, but nobody listened to her. Forum wants Vigilance enquiry be conducted by BYPL

Hanshi

[Signature]

2 of 5
[Signature]

Complaint No. 29/2020

in the present case regarding transfer of connection/name change and unauthorized disconnection of complainant's electricity and shifting it to Mr. Fakruddin's flat.

The respondent submitted a letter duly signed by the complainant stating therein that her grievance has been resolved and she does not want any compensation and stated that no penalty action on BYPL is needed.

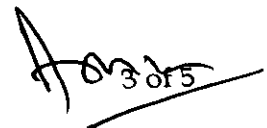
The matter was finally heard on 31.08.2020, when complainant was present in person and thanked the Forum for resolution of her grievance. She also asked for token compensation from the respondent.

The respondent submitted an email dated 24.08.2020 from complainant addressed to their Business Manager claiming it as withdrawal letter from complainant but the complainant appeared before the Forum in person on 31.08.2020 and demanded token compensation in writing, hence the withdrawal claim of respondent is not acceptable.

The respondent issued a notice dated 03.01.2020 to Fakruddin Ali for "illegally name change" against complaint lodged with them vide Diary No. 566 dated 18.09.2019 (as mentioned in the letter) and later on 17.03.2020 Secretary, CGRF also emailed to them a copy of the complaint filed by the complainant, in which it was clearly mentioned that the connection of the complainant had been disconnected by the respondent. This e-mail was sent to them for taking necessary action for resolution, but no action was taken by the respondent for restoration of electricity to the premises of the complainant. Supply is not disconnected on transfer/name change of electricity connections, but in this particular case, the connection was apparently shifted (in the grab of name change) to some other flat as the bills issued in the name of Fakruddin (after the name change) shows metered consumption of electricity while actually electricity was not available at the specified premises for the connection. Thus there was no supply/prolonged power supply failure at the specified premises (flat) of the complainant and hence the respondent (the licensee) is liable to pay *compensation* for their failure to meet the guaranteed standards of performance as specified in Schedule-I of the Regulations. The provision in Regulation is reproduced below:







Complaint No. 29/2020

14. Power Supply Failure

(a) Compensation for power supply failure, standard for restoration and compensation payable for a consumer of sanctioned load or contract demand upto 20kW:

Sl. No.	Service Area	Standard for restoration of power supply for the Zone/ Subdivision having AT&C losses			Computation of period of default	Compensation payable to the consumer for the period of default in case of violation of standard
		Upto 10%	More than 10% and Upto 20%	More than 20%		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	Continuous power failure affecting individual consumer and group of consumer upto 100 connected at Low voltage supply, excluding the failure where distribution transformer requires replacement.	Within three hours	Within four hours	Within six hours	After lapse of period as specified in column (3), (4), (5) as the case may be from the time 1 st consumer has made the complaint.	Rs. 10 per kW per hour of sanctioned load or contract demand, as the case may be, subject to maximum of Rs.200 per hour per consumer.

On the basis of submissions by both the parties and narration of the facts in the matter and provisions in the Regulations, we find there is a serious deficiency in services of the respondent and accordingly we direct as under:-

- (i) The respondent has raised bills for the period 07.07.2019 till August 2020 in the name of Mr. Fakruddin against CA No. 152881692, the — new CA No. allotted on change of name is CA No. 150130827 (in the name of Dr. Arunlata Aggarwal-the complainant) on the basis of metered consumption of electricity enjoyed by Mr. Fakruddin, hence

Handwritten signature

Handwritten signature

Handwritten signature 4 of 5

Complaint No. 29/2020

the complainant is not liable to pay the electricity bills for this period (07.07.2019 to August 2020) and this fact should also be recorded in account statements for CA No. 150130827 in the name of complainant so that there is no dispute/confusion in future.

- (ii) Considering complainant's request a token amount of Rs. 5000/- (Rupees five thousand only) is allowed as compensation which is a fraction of amount which the respondent is liable to pay as compensation to the consumer for his failure to meet the Guaranteed Standards of Performance as specified in Schedule-I, Sl. No. 14. Payment of compensation amount shall be made by way of adjustment against future bills for supply of electricity.
- (iii) There have been few cases in recent past where disputes in name change cases arose primarily due to non-intimation/notice to the existing consumer, whose connection was transferred. Hence, respondent is directed that in future they shall intimate the consumer, (whose connection will be transferred) by post (with alert messages on registered mobile and e-mail also), about this transfer of connection/name change.

With above directions the case is disposed off.



(HARSHALI KAUR)
MEMBER (CRM)



(VINAY SINGH)
MEMBER(LAW)



(ARUN P SINGH)
CHAIRMAN