



**CA No. Applied For**  
**Complaint No. 35/07/2019**

**In the matter of:**

Krishan Kumar

.....Complainant

**VERSUS**

BSES Yamuna Power Limited

.....Respondent

**Quorum:**

1. Mr. Arun P Singh (Chairman)
2. Mrs. Smita Shankar, Member (Law)

**Appearance:**

1. Mr. Imran Siddiqi, Ms. Ritu Gupta & Mr. Saheel Jallal, On behalf of BYPL
2. Complainant
3. Sh. Raju and Sh, Hukum Chand

**ORDER**

Date of Hearing: 02<sup>nd</sup> August, 2019  
Date of Order: 05<sup>th</sup> August, 2019

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

The grievance of the complainant is that is that he applied for a new domestic connection in his premises (2<sup>nd</sup> Floor of the building) on 28.03.19 but the respondent rejected the same on the pretext of property dispute. The complainant also claims that he is the owner of the premises as per Agreement/GPA made between him and Sh. Sanni Mal, S/o Shri Bhoj Raj on 17.11.14. He requested the forum to direct the respondent for installation of new connection at the earliest.

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On notice the respondent company appeared before the Forum and submitted their reply. The case was listed for hearing before the Forum and both the parties were heard extensively.

The respondent in their reply submitted that the complainant has sought new electricity connection vide request no. 8003806131 dt. 28.03.2019 at second floor of the property in issue. It was also their submission that site visit was carried out at the premises and it was found that there's a property dispute, and already an electricity connection is energized at same premises as such the deficiency letter was issued on 30.03.19. It was further added that two connections in the name of Raju (brother of complainant) and Hukum Chand (father of complainant) are already installed at the premises and the connection of Raju is electrified at second floor of the premises.

It is pertinent to mention here that during the course of hearing few facts were emerged before the Forum that one brother of the complainant namely Raju and his father Sh. Hukum Chand are occupying ground and first floor of the property. A case of permanent injunction was filed against the complainant and his wife by the father of the complainant in the year 2013 and final order was passed on 19.09.2018 whereby the suit for injection of Hukum Chand was dismissed and following points can be easily drawn from the order:-

1. Complainant was in possession of the 2<sup>nd</sup> floor of the property, which was in his lock and key.
2. On 20.11.13, father of the complainant gave an undertaking before the court that he will not dispossess him from the property.

It was also brought to the notice of the Forum by the complainant that no appeal to his knowledge has been filed by his father or by his brother against the said order. However, a maintenance case has been filed against him by his father which is pending before the Court. As on date, since there is no electricity and water supply, he is not occupying the premises, however, he visits it daily and spends night there.

Raju

Tom

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Respondent also submitted that in the year 2014, a connection on the name of Mr. Raju was energized on the 2<sup>nd</sup> floor and regular bills are being paid till date.

The Forum directed the respondent to inspect the premises in present of the complainant who shall ensure that the premises are inspected without any hindrance with respect to number of connections existing and the portion of the building where those are feeding. Forum also opined that for better understanding and disposal of the case, presence of Sh. Hukum Chand and Shri Raju is necessary. Therefore, notice was sent to both for their appearance.

On final hearing of the case all the parties were present. Sh. Raju stated that he is occupying the first floor of the property. Both Sh. Raju and Sh. Hukum Chand have further stated that they have no objection in case the connection is released on the name of Sh. Krishan Kumar.

Respondent also filed site visit report before the Forum which was taken on record. Respondent also submitted that on the submissions of Sh. Raju and Sh. Hukum Chand and on the basis of site visit which was done by them on 21.07.19, it was found that second floor of the property was in possession of the complainant and therefore they can release the connection to the complainant subject to fulfillment of commercial formalities by him.

In view of above, the Forum directs the respondent company to release the new connection of the complainant within 7 days after the completion of the commercial formalities by him.

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

The compliance should be reported within 30 days. The order is issued under the seal of Consumer Grievance Redressal Forum (BYPL).

  
(SMITA SHANKAR)  
MEMBER (LAW)

  
(ARUN P SINGH)  
CHAIRMAN