



C A No.101127048

Complaint No. RA No. 1/2021 IN C.G. No. 62/2020

In the matter of:

PoonamComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Counsel of the complainant
2. Mr. Imran Siddiqi & Ms. Shweta Chaudhary, On behalf of Respondent

ORDER

Date of Hearing: 22nd March, 2021

Date of Order: 25th March, 2021

Order Pronounced By:- Mrs. Vinay Singh, Member (Legal)

The complainant approached the Forum on 18.09.2020 for illegal name change by the respondent in collusion with Mohd. Mehmood of her connection having CA no. 152173315.

The forum heard the matter extensively and vide their order dated 11.01.2021, directed as under:

1. The name change done by the respondent in December 2019 should be reverted back in the name of complainant i.e. Ms. Poonam.

Harshali Kaur *Imran Siddiqi* *Shweta Chaudhary*
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2. The complainant is directed to pay the electricity bill from November 2019 till date amounting to Rs. 56960/- which includes LPSC amount of Rs. 2829/-. The complainant is entitled to pay this amount because she consumed the electricity during the name change period.
3. Respondent is directed to waive off LPSC amount.
4. As directed earlier also, the respondent is again directed to intimate the registered consumer before name change.

Against the order of the Forum the complainant approached the Hon'ble Ombudsman regarding amendment in the language of CGRF orders.

Hon'ble Ombudsman vide their letter dated 18.02.2021, advised complainant to approach the CGRF-BYPL and seek review.

Thereafter, the complainant approached the CGRF-BYPL for modification in the orders passed on 11.01.2021, which is reproduced below:

"The complainant submitted his rejoinder refuting therein the contentions of the respondent as averred in their reply and stated that complainant is residing and in possession of said property since her marriage and the property is her ancestral property. "

The complainant wants removal of word "ancestral property" as the complainant wrongly stated the same before the Forum.

The forum listed the review application of the complainant for hearing on 22.03.2021.

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The respondent submitted their additional submission vide their mail dated 19.03.2021, that the submission of the complainant in review application is not the part of the main complaint. Further, the respondent submitted that as per the last orders of the Forum the complainant has not made any bill payment since November 2019 (when the name change was done by the respondent) till date and total amount dues is Rs. 60080/-.

The submission of complainant is heard by the Forum and after hearing the complainant the Forum is of the view as under:-

- That the Forum ordered for change of name of the CA No. 152173315 on the basis of the occupancy only. Since the complainant is in occupation of the said property since long.
- Forum has no right to decide about the ancestral or any ownership of the property. The Forum mentioned the statement of the complainant only. This has no relevance and not the operative part of the order of the Forum.
- The Forum has not entered into the ownership dispute, and as stated above only on the basis of the occupancy of the complainant, the forum ordered to transfer the connection in her name.
- If the complainant wants to file property related dispute of the property, she has every right to approach to Civil Court.
- This Forum has no jurisdiction to decide regarding the ownership of the property.
- The electric connection does not create any right over the property.
- The complainant did not pay the energy charges till 22.03.2021 and total dues till date are of Rs.60080/-. The respondent has already changed the name in the bill.

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Sudhindra Narayan Chandra Vs The State of West Bengal & Ors. Calcutta High Court dated 29.02.2016, relevant portion stated below:-

Circumstanced petitioners had appeared before this Court earlier and the right to obtain electric connection of the petitioner has already been recognised by this Court in respect of other petitioners...order for electric connection is allowed on the basis of the petitioner's occupation in the concerned premises. This will not create or confer upon him any substantive property right.

We are of considered opinion that the review application of the complainant has no substance and same is rejected. The Forum confirms its previous order dated 11.01.2021.

The Forum directs as under:-

1. The name change has been made effective by the respondent after the orders of the Forum dated 11.01.2021.
2. Since the complainant has not complied with the earlier orders of the Forum, she is again directed to pay the electricity bill from November 2019 till date which has now become Rs. 60080/-.
3. If the complainant fails to pay the energy charges which are due against CA No. 153269666, the respondent is at liberty to take legal action as per law.

The review application is rejected with directions.

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


(HARSHALI KAUR)
MEMBER (CRM)


(VINAY SINGH)
MEMBER (LAW)


(ARUN P SINGH)
CHAIRMAN