



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

C A No. Applied For
Complaint No. 35/2021

In the matter of:

VeerabhimanyuComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Mr. Imran Siddiqi & Mr. Jagatheesh Kannan, On behalf of BYPL

ORDER

Date of Hearing: 11th June, 2021
Date of Order: 17th June, 2021

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

Briefly stated facts of the case are that the complainant applied for new connection but the respondent company did not release the connection.

The complainant further submitted that he purchased property bearing no. T-89, GF, T-huts, Syeed Peer, Laxmi Nagar, Delhi-92 on 22.09.2020. He also submitted that he applied for new electricity connection for domestic purpose vide request no. 8004126379, but the respondent company rejected his

Harshali
Imran
1 of 5

Complaint No. 35/2021

application for new connection on the pretext of premises under HT line and domestic connection already exists. It is also his submission that he also applied for name change of the electricity connection having CA No. 101031067 vide request no. 8004731749. He requested the Forum to direct the respondent company for immediate release of the connection and also name change of CA No. 101031067.

Notices were issued to both the parties to appear before the Forum on 19.03.2021.

The respondent submitted their reply stating therein that complainant applied for new electricity connection vide request no. 8004126379 and for change of name vide request no. 8004731749. On site verification it was found that the premises are RIGHT UNDER THE WAY OF H.T. LINE, as such deficiency letter was issued to the complainant on 16.10.2020.

The matter was heard on 19.03.2021, when both the parties were heard by the Forum and advised them to explore the possibility of amicable solution.

Again matter was heard on 06.04.2021, when complainant sought adjournment.

Respondent vide their e-mail dated 09.04.2021, submitted that the complainant visited the office of the respondent regarding submission of documents for name change.

- After going through the documents it was found that the GPA submitted by the complainant is unregistered.
- Notarized documents executed on 22.09.2020, by Sh. Jane Alam in favour of complainant and no previous chain of documents is available with the

Handwritten signatures and text:
Handwritten signature: *Handwritten signature*
Handwritten signature: *Handwritten signature*
2 of 5

Complaint No. 35/2021

complainant or with Sh. Jane Alam, who was also present alongwith the complainant to prove that this property was purchased by Sh. Jane Alam from Sh. Rajpal, in whose name the present connection having CA NO. 101031067 is installed.

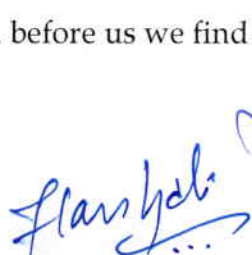
The matter was again heard on 12.04.2021, when respondent filed their reply stating therein that they have rejected name change on the basis of GPA only. Respondent asked complainant to file complete property chain showing name of Rajpal whose connection he is using. Complainant was also asked to submit receipt of the bill which he had paid on behalf of Rajpal and also occupation document.

Due to an upsurge in Covid-19 second wave hearings in the Forum could not be conducted during the period 20.04.2021 to 10.06.2021.

The matter was finally heard on 11.06.2021, when the counsel of the complainant failed to submit complete chain of property documents confirming that complainant is in occupation and user of the property. The respondent was also asked to file K.No. file of Sh. Rajpal, to which they stated that being old record of the year 2009, they are unable to trace the file of Sh. Rajpal. The complainant was given three days time for filing property documents. Arguments were heard and matter was reserved for orders.

The main issue in the present case is whether the connection can be granted or not.

We have gone through the submissions made by both the parties. From the narration of facts and material placed before us we find


Harshdeep
3 of 5

Complaint No. 35/2021

- That the complainant applied for new connection and name change of already existing connection having CA No. 101031067.
- That the respondent rejected the application of new connection of the complainant on the pretext of 'Right under the way of HT line'.
- That the respondent also rejected the application for name change of existing connection due to incomplete chain of property documents.
- That during the course of hearing the complainant was asked to file occupancy proof.
- That the complainant filed GPA, Agreement to sell, affidavit, will deed, payment receipt and possession letter issued in his favour i.e. Veerabhimanyu by Sh. Jane Alam erstwhile owner of the property.
- That as per the submissions of respondent Sh. Jane Alam also visited the office of the respondent to clarify that he purchased the property from Sh. Rajpal.
- That during the hearings the respondent was also directed to submit the K.No. file of Sh. Rajpal, which the respondent failed to submit as the connection was released in the year 2009 and being an old file, the file was not traceable in the record of the respondent.

As above, we are of considered opinion that

- The forum took serious view on the non-availability of K.No. files. In most of the cases the K.No. files are not traceable. Unavailability of record makes it difficult for the Forum to give clear judgment.
- In the present case, the benefit of doubt is given to the complainant.
- The respondent can release the connection of the complainant on the basis of the documents submitted by the complainant as his ownership proof, provided they should clear the vertical and horizontal distances from the HT line. As already a connection exist at site.

Flashyab

for
4 of 5

Complaint No. 35/2021

- For the name change of the existing connection, the respondent is directed to change the name of the connection having CA No. 101031067 in the name of Sh. Rajpal.
- That as per **DERC Regulations 2017, Regulation 17 (1) (i)**, If any applicant wants transfer of connection due to any reason such as change of consumer's name due to change in ownership or occupancy of property, transfer to legal heir, etc. he shall apply to the Licensee in the prescribed format as notified in the Commission's Orders.
- As per the above stated regulation of the DERC, in the present case the complainant submitted the ownership documents. On the basis of those documents the respondent can enforce the name change process.
- If in future Sh. Rajpal came to claim his ownership of the property, the respondent is free to take action or can revert back the name change.
- Since the complainant is in possession of the said property and he has full right to enjoy the basic amenities necessary for living. Electricity being an essential commodity, same cannot be denied to the deserving consumer.

The case is disposed off as above.

No order as to the cost. A copy of this order be sent to both the parties and file be consigned to record room thereafter.

The order is issued under the seal of CGRF.

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


(HARSHALI KAUR)
MEMBER (CRM)


(VINAY SINGH)
MEMBER (LAW)


(ARUN P SINGH)
CHAIRMAN