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## 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.

Complaint No. 23/2021

In the matter of:

Vikas

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

1. Mr. Manoj Banka, A.R. of the complainant
2. Mr. Imran Siddiqi & Mr. Jagatheesh Kannan, On behalf of BYPL

ORDER

Date of Hearing: 12<sup>th</sup> April, 2021

Date of Order: 13<sup>th</sup> April, 2021

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

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

It is also his submission that he is owner of property bearing no. 295, Gali No. 13, Joshi Road, Karol Bagh, New Delhi-110005, which was duly constructed as stilt parking, upper ground floor, first floor, second floor, third floor and fourth floor for domestic purpose only. Already a temporary electricity connection bearing CA No. 350781405 is installed at said premises.

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*Harshali* *Vikas* *Imran*

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He further submits that the said property was booked by MCD on 29.01.2018 vide SDMC file no. B/UC/KBZ/2018/06 due to unauthorized construction under Section 344 and 343 of DMC Act and on 23.02.2018 the SDMC carried out demolition action upon unauthorized constructions of the said premises and as on date there is no unauthorized construction at the said premises.

It is also added that on 26.08.2020, he applied for new electricity connections at ground floor, first floor, second floor, third floor and fourth floor vide application no. 8004509239, 8004509249, 8004509408, 8004509258 and 8004509265. On 14.09.2020, the respondent rejected the said applications of new connection of the complainant due to reason "MCD clearance required and meter disconnection and final paid bill of meter no. 40801656 required. He made representations to the office of the respondent but respondent rejected to release the connections. Thereafter, AR of the complainant file RTI to SDMC and SDMC vide their letter dated 16.10.2020 submitted RTI reply stating that the demolition action was taken by the competent authority.

He further submitted that Ministry of Power, Govt. of NCT of Delhi, had issued an order bearing no. Min.4/2016/Power/4610 dated 22.11.2016 to the DISCOMs in Delhi to immediately provide connection on demand irrespective of the nature of the area in which the premises is situated viz. authorized or unauthorized colony etc.

Complainant also submitted citations of various Court orders and DERC Guidelines regarding releasing of new connections. Therefore, he requested the Forum to direct the respondent company for immediate release of the new connections.

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Notices were issued to both the parties to appear before the Forum on 09.03.2021.

On 09.03.2021, no one present on behalf of the complainant and respondent submitted their reply. Respondent stated that they has to file a modified reply again with full details. Complainant has to file No Objection Certificate from SDMC in respect of electricity connection.

The respondent submitted their reply stating therein that the complainant applied for five new connection at premises no. 395, Gali No. 13, New Delhi-110005 vide request no. 8004509239, 8004509249, 8004509408, 8004509258 and 8004509265 dated 26.08.2020.

The said requests for the new connections were rejected due to being the address of the premises for which the new electricity connection applied appearing in the objection list of SDMC. It is also submitted that outstanding dues were also found at said premises. The said dues i.e. pertaining to theft of electricity were in respect of CA NO. 401028026 of Rs. 53036/- which was settled by the complainant through his advocate in PLA on 04.11.2020 in Rs. 31,000/- which were to be paid by 23.11.2020, and the complainant failed to pay the settled amount. That as per PLA settlement it was clearly mentioned that if the complainant fails/default to pay the settled amount by due date the respondent shall be entitled to receive total bill of the full amount of the bill forthwith and shall be entitled to charge LPSC on the outstanding amount @1.5% per month. Also it was found that pole encroachment existed at site and thus requests of the complainant for new connection were rejected. Respondent also mentioned DERC Regulations and Hon'ble Delhi Court orders in various judgments where it is upheld to clear the pending dues against the premises for grant of new connections.

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The matter was again heard on 25.03.2021, when respondent filed objections regarding NOC from SDMC and pending dues. Complainant submitted that he had moved an application before Permanent Lok Adalat-II and PLA has passed order on 04.11.2020. The complainant has not deposited the amount as decided by the PLA and complainant with also file No Objection Certificate from SDMC and will also deposit the decided amount by PLA.

Both the parties should try to resolve this issue before next of hearing and the complainant was directed to proceed as per order of PLA.

On hearing dated 12.04.2021, AR of the complainant requested for adjournment, but he does not seem to solve the issue because respondent directed the complainant to pay Rs. 53,000/- but as per order of PLA the settled amount is Rs. 31000/-. The complainant was directed to follow and proceed with the order of the PLA and complaint with all the objections of the respondent regarding pole encroachment and SDMC certificate and the complainant has to fulfill all the three conditions as per the direction of the respondent. If the complainant is not satisfied, then he has liberty to file a complaint afresh in CGRF. Matter is reserved for orders.

We have gone through the submission made by both the parties. From the narration of facts and material placed before us we are of the opinion that the complainant has not complied with the orders of the PLA, in which PLA ordered that "it is agreed and settled that the petitioner shall make the payment of Rs. 31,000/- in lieu of full and final settlement of the impugned bill of Rs. 53,036/- which shall be deposited by the petitioner on or before 23.11.2020."

  
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But the complainant failed to deposit the said amount by the due date fixed by the PLA. So the hearing before the Forum is in vain till the complainant will not follow the order of PLA and other objections raised by the respondent such as no objection and pole encroachment

Point No.13 of Chapter III (Jurisdiction and proceedings of the Forum) of the Delhi Electricity Regulatory Commission (Forum for Redressal of Grievances of the Consumers and Ombudsman) Regulations, 2018 is reproduced as under:-

*(1) "The Forum shall not entertain a grievance if it pertains to the same subject matter for which any proceedings before any court, authority or any other Forum is pending or a decree, award or a final order has already been passed by any competent court, authority or forum."*

So we are of considered opinion that this complaint is pre mature in nature before the forum firstly complainant approached the PLA and order has already been passed and complainant does not follow the order and requests the forum to direct the respondent to deposit the settled amount for which Forum has no jurisdiction to entertain the complainant if already decided by any court of law as per CGRF Regulation, so the complainant is directed to follow the PLA order and other objections regarding NOC and pole objections and respondent is directed to advise the complainant for releasing the connection and if complainant not satisfied with approach of the respondent, he has liberty to file a complaint afresh in CGRF.

The case is disposed off as above.


*Harshad*


*[Signature]*

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