



CA No. 151533698
Complaint No. 39/07/2019

In the matter of:

Vishal AggarwalComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Imran Siddiqi, Ms. Ritu Gupta, Mr. Vipul Suthar & Mr. Achal Rathi, On behalf of BYPL
2. Complainant
3. Smt. Tulsi Devi, Respondent no. 2

ORDER

Date of Hearing: 30th August, 2019
Date of Order: 02nd September, 2019

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

The grievance of the complainant is that he purchased a flat out of five flats in premises no. H.No. 171, First Floor, Durga Gali No. 2, Maujpur, Delhi-53, from Smt. Tulsi Devi in the year September 2018. It was also his submission that already a connection was installed in the name of Gulshan Kumar vide CA No. 151533698 and he is regularly using electricity through the said connection and also paying the bills timely as and when raised by the respondent. He further

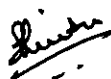
Complaint No. 39/07/2019

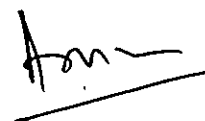
added that in the month of June 2019 he received a bill amounting to Rs. 41160/-. The respondent vide their letter dated 16.07.19 informed that the dues of CA NO. 101205418 in the name of Smt. Tulsi Devi have been transferred to his connection which is illegal. He requested the forum to direct the respondent company for withdrawal of illegal dues.

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.

It is pertinent to mention here that during the course of hearing, the Forum opined that it is necessary to make Smt. Tulsi Devi as party to better understanding of the case. Forum also ordered for stay on transferred amount and direct the respondent to issue bill with current charges to the complainant which the complainant shall pay on due date.

The respondent in their reply submitted that they carried out site verification at the Ground Floor of the premises in issue. On site visit it was found that the premises wherein the disconnected connection i.e. connection bearing CA No. 101205418 (disconnected connection) in the name of Ms. Tulsi Devi existed, now provided electricity through live connection registered in the name of Gulshan Kumar bearing C A No. 151533698. The said connection existed at ground floor of the property in issue and is used by the complainant. The property in issue consists of stilt parking and four floors over it. The registered consumer of the live connection was served with notices dated 11.02.19 in terms of Delhi Electricity Supply Code and Performance Standards Regulations 2017 whereby the consumer was issued a show cause notice and was asked to attend personal hearing on 22.02.19. None appeared on behalf of the complainant, thereafter, the complainant made a representation. The registered consumer of





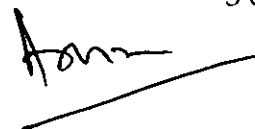
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the live connection is Sh. Gulshan Kumar who is son of Tulsi Devi and had obtained new connection on the basis of NOC from his mother. The said connection is still in the name of Sh. Gulshan Kumar which complainant alleges to be used by him. Thus he is beneficiary of both the connections i.e. the disconnected as well as live connection and as such in terms of the agreement which the respondent has with the registered consumer of the live connection; the dues are liable to be cleared by the registered consumer/user of live connection.

During the course of hearing the respondent was directed to provide the breakup of the dues of the complainant. To this the respondent provided that the current demand is of Rs. 45940/- which includes LPSC amount of Rs. 1476.19 and total transfer dues Rs. 40218.47/-. Therefore, the net payable amount is Rs. 4245.34/-. The respondent no. 2 was also present on final day of hearing where she stated that she had already paid the dues which were outstanding at the time of sale of property to the subsequent purchaser. The complainant stated that he got the dues pertaining to the electricity connection on the name of Sh. Gulshan Kumar only.

From the above submissions, the forum is of the view that the dues amounting to Rs. 40218.47/- against CA NO. 101205418 in the name of Smt. Tulsi Devi are on the entire property bearing no. Jawahar Gali, J-171, Maujpur, Delhi-53. The said property was re-build having parking area on ground floor and four floors. The complainant is owner of first floor of the premises; there are three more floors which are in possession of other occupants. Thus, the Forum directs the respondent company that dues amounting to Rs. 40218.47/- should be divided into all the four portions of the property. The complainant should be raised bill on pro-rata basis and the final amount should be without LPSC.






Complaint No. 39/07/2019

Case is disposed off as above.

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