



C A No. Applied for
Complaint No. 117/2023

In the matter of:

Dilbagh SinghComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmed Alvi, Member (CRM)
3. Mr. P.K. Agrawal, Member (Legal)
4. Mr. S.R. Khan, Member (Technical)

Appearance:

1. Ms. Sakshi Sharma, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. Imran Siddiqui, Ms. Shweta Chaudhary & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 02nd May, 2023
Date of Order: 08th May, 2023

Order Pronounced By:- Mr. P.K. Agrawal, Member (Legal)

1. This complaint has been filed by Mr. Dilbagh Singh against BYPL-PHG.
2. The brief facts of the case giving rise to this grievance are that Mr. Dilbagh Singh, is using electricity through CA No. 1515/2332 installed at 3022, FF, Gali No. 1, Choon Mandi, Paharganj, Delhi-55. It is also his submission that respondent has transferred dues amounting to Rs.

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Attached True Copy

Secretary
CGRF (BYPL)

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46,423/- of CA No. 100487763 in the name of Ashok Kumar to his live connection without any reason and rhyme. He further submitted that he is not known to Sh. Ashok Kumar. Therefore, he requested the Forum to direct the respondent for withdrawal of transferred dues.

3. OP in its reply briefly stated that the complainant is seeking withdrawal of dues of Rs. 46598.87/- which were transferred from CA No. 151067846 registered in the name of Dilbgh Singh to CA No. 151572332 registered in the name of complainant's wife Ms. Shakuntala.

OP further added that on 14.06.2007 the connection bearing CA No. 100487763 which was registered in the name of Ashok Kumar was disconnected on account of non-payment of outstanding dues of Rs. 36481.18/-. On 08.50.2009, the account is finalized after adjusting the security deposit of Rs. 1500/-, thus total outstanding against said connection is of Rs. 34981.18/-

On 11.12.2019, the outstanding dues were transferred to CA no. 151067846 which was registered in the name of Dilbagh Singh. At the time of inspection supply from CA No. 151067486 found used in premises of Ashok Kumar. Both the connections i.e. one disconnected in name of Ashok Kumar and second live connection in the name of complainant were granted on the first floor.

4. Representative of the complainant denied the contentions of the respondent as averred in their reply and submitted that the complainant has no concern with Sh. Ashok Kumar, as Ashok Kumar never resided in the said property. It is also their submission that the complainant purchased the property in the year 2011 and respondent has asked dues prior to that period.

For
Ashok Kumar

Secretary
CGRF (BYPL)

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5. LR of the OP submitted that the dues are on the same premises and the complainant is liable to pay the entire pending dues.
6. In view of the above, we are of the considered opinion that the connection in the name of Ashok Kumar was disconnected on 14.06.2007 and in the year 2009 respondent finalized the dues by adjusting security amount and the net amount payable comes to the tune of Rs. 34981.18/- . The complainant became owner of the said premises in the year 2011 via registered sale deed. It is very much clear that the dues were prior to the period when the complainant came into possession of the subjected property. At the time of release of new connection to the complainant in the year 2014, respondent should have asked the complainant to clear the outstanding dues of Sh. Ashok Kumar but respondent failed to do so.
7. Since, respondent is at fault by not asking the complainant for payment of outstanding dues at the time of release of new connection but this Forum is bind by the following judgments which states that the dues are on the premises and the current occupant is liable to clear the outstanding dues.

In BSES Rajdhani Power Limited Vs Saurashtra Color Tones Pvt. Ltd. & ors., 2006, Delhi Law Times page no. 213, stated as under:

Electricity is public property. Law in its majesty benignly protects public property and behoves everyone to respect public property. No doubt dishonest consumers cannot be allowed to play truant with the public property but inadequacy of the law can hardly be a substitute for overzealousness.

For
Ashok Kumar
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As decided by Hon'ble High Court and Supreme Court in many cases that the electricity charges cannot be waived off as decided by High Court of Delhi on 02nd March 2009 in the matter of Izhar Ahmed Vs. BSES Rajdhani Power Limited which is narrated below:-

"The intent of such a regulation is to ensure that electricity companies do not have to run around to recover their dues and any person who applies for re-connection makes payment of all dues including surcharges and payment of fraudulent abstraction charges before grant of new connection or reconnection of said premises."

8. Therefore, we are of considered opinion that the dues are payable by the complainant.

ORDER

The complaint is rejected. The dues are payable by the complainant. The respondent is directed to waive off the entire LPSC amount from the bill of the complainant and also allow complainant instalments for payment of pending dues.

The case is disposed off as above.

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

for
Nishat A. Alvi

(NISHAT A. ALVI)
MEMBER (CRM)

Deekh

(P.K. AGRAWAL)
MEMBER (LEGAL)

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(S.R. KHAN)
MEMBER (TECH.)

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(P.K. SINGH)
CHAIRMAN

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Secretary
CGRF (BYPL)