

CA No. 101040858
Complaint No. 73/2023

In the matter of:

Krishan Nagar

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Ms. Renu Bala, Ms. Shweta Chaudhary & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 16th May, 2023
Date of Order: 22nd May, 2023

Order Pronounced By:- Mr. S.R. Khan, Member (Technical)

1. The brief facts of the case giving rise to this grievance are that complainant Mr. Krishan Nagar, is using electricity through CA No. 101040858 installed at premises no. 408, Gali No. 2, Mandawali Fazalpur, Delhi-110092. It is also his submission that OP transferred dues of other connection to his live connection and thereafter, disconnected his electricity supply on non-payment of dues.

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Secretary
CGRF (BYPL)



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2. OP in its reply briefly submitted that the complainant is seeking withdrawal of dues of Rs. 76136/- which were transferred from CA No. 101035485 (disconnected connection) registered in the name of Bala Devi to CA no. 101040858 (live connection) registered in the name of the complainant. OP further added that Bala Devi is mother of the complainant. The complainant claims that he not related to Ms. Bala Devi whereas from the conveyance deed placed on record by complainant himself it is apparent that Ms. Bala Devi is his mother. The connection in the name of Ms. Bala Devi was disconnected on 29.11.2018 on account of outstanding dues.

OP further added that field associate was not able to search the premises on the basis of billing address. He was able to search the premises only on the basis of route sequence no. which is MFV050602AQAT in respect of disconnected connection. On locating the site he found that the premises wherein disconnected connection existed is provided electricity through live connection in the name of the complainant. The sequence no of live connection is MFV050602AOAC. Therefore, the complainant was served notice for dues transfer.

3. Counsel of the complainant rebutted the contentions of respondent as averred in their reply and submitted that the disconnected connection was installed at property no. 83, Gali No. 2, Mandawali Fazalpur, Delhi and the live connection was installed at property no. 408, (old no. 95) Raja Ram Gali No. 2, Mandawali Fazalpur, Delhi, both the addresses are different. He further submitted that OP has not filed or placed K.No. file from which it could prove that the said Bala Devi is the mother of the complainant.

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4. LR of the OP submitted that the complainant supplied copy of conveyance deed, will and GPA and all the documents are fabricated. The GPA, and will both are executed by Smt. Bala Devi as well as Smt. Sita Devi, both wife of Sh. Braham Singh and documents are identical and executed in favour of Sh. Sunil s/o Sh. Braham Singh, R/o H.No. 408, Gali no. 2, Mandawali Fazal Puri, Delhi-92. OP further added that the connection in the name of Smt. Bala Devi vide CA No. 101035485 was energized in November 2006 and disconnected on 29.11.2018. Whereas the connection in the name of Krishan Nagar was installed in July 2009. OP further added that H.No. 83 is not traceable, they searched and then transferred the dues on the basis of sequence no mentioned on both the bills one of the complainant and other of Smt. Bala Devi.
5. From above discussions it is clear that complainant is in habit of forging the documents. There is possibility that complainant might have forged documents for getting the new connection in the name of Smt. Bala Devi. Since the sequence of both the bill of Bala Devi and Krishan Nagar is same, therefore, the dues transferred by OP is correct and payable by the complainant.
6. 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

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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.

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."

7. 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.


Secretary
CGRF (BYPL)


(NISHAT A. ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN