



CA No. 150280241
Complaint No. 122/2023

In the matter of:

Manish Kumar AggarwalComplainant

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

ORDER

Date of Hearing: 16th May, 2023

Date of Order: 19th May, 2023

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

1. This complaint has been filed by Mr. Manish Kumar Aggarwal against BYPL-CCK.
2. The brief facts of the case giving rise to this grievance are that Mr. Manish Kumar Aggarwal is registered consumer of CA No. 150280241 installed at premises no. 1077/7, GF, Kucha Natwa, Chandani Chowk, Delhi-110006 and respondent illegally transferred dues of other connection to his live connection.

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Therefore, her complaint for withdrawal of transferred dues and restoration of supply may be granted.

3. OP in its reply briefly stated that the complainant is seeking withdrawal of dues of Rs. 71,792.88/- which were transferred from CA No. 100324080 (disconnected connection) registered in the name of M/s Bishan Swaroop to CA No. 150280241 (live connection) registered in the name of the complainant. The connection in the name of M/s Bishan Swaroop was disconnected on 06.01.2012 on account of outstanding dues of Rs. 71,792.88/-.

OP further added that on 25.04.2022 when subject premises was visited it was found that live connection i.e. CA No. 150280241 was now providing electricity to disconnected portion of subject premises. The complainant was served notice on 27.04.2022 and on 25.05.2022 to remove illegal extension through speed post.

Premises of the complainant were again visited on 29.07.2022 and it was found that illegal extension was not stopped by the complainant. Thus, the outstanding dues of Rs. 71,792.88/- were transferred to the live connection.



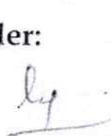
4. Representative of the complainant rebutted the contentions of the respondent as averred in their reply and stated that CA No. 150280241 was energized on 08.12.2011 at property bearing no. 1077/7, GF, Kucha Natwa, Chandni Chowk, Delhi-110006 in his name and he is tenant in the said property. OP has transferred dues of CA No. 100324080 which was installed at 1090/6, GF, Kucha Natwa, Delhi-6. The address of both the complainant and that of Bishan Swaroop are having different address and both belong to separate owners.

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5. LR of the OP submitted site visit report dated 02.05.2023, and submitted that at present electricity in property no. 1090/6 is being used through CA No. 100324201 in the name of Manmohan Aggarwal. Supply in property number 1077/7 through CA No. 150280241 was disconnected on account of non-payment of dues and now supply is being used through CA No. 100212716. There is only one wall between properties no. 1077/7 and 1090/6 and both the properties are adjoining. It was also submitted that on 29.07.2022, site was visited and it was found that supply in property n. 1090/6 was catered through CA No. 150280241. Site report dated 25.04.2022 also states that there are many shops in property no. 1090.
6. In view of the above, we are of the considered opinion that from the record and site visit placed on record and after hearing pleadings of both the parties it is transpired that the properties no. 1090/6 and 1077/7 are same and respondent has rightly transferred the dues of CA No. 100324080 to the connection of the complainant having CA No. 150280241. Forum is also of the view that there is huge lapse on the part of OP in transferring the dues after a gap of more than 11 years the supply of CA No. 100324080 was disconnected on 06.01.2012 and the new connection to the complainant was energized in the year 2011. The respondent should have transferred the said dues much before. As per the different court orders the dues are on property hence payable by the new occupant of the premises therefore, these dues are also payable by the complainant.
7. In **BSES Rajdhani Power Limited Vs Saurashtra Color Tones Pvt. Ltd. & ors.**, 2006, Delhi Law Times page no. 213, stated as under:

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Secretary
CGRF (BYPL)

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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.

8. 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:-
9. "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."


ORDER

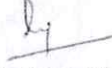
The complaint is rejected. OP has rightly transferred the dues of CA No. 100324080 to connection of the complainant having CA No. 150280241 and liable to clear the said dues. OP is also directed to waive off entire LPSC on the outstanding dues and also provide complainant instalments, if desired by the complainant.


Case is disposed off as above.

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

Proceedings closed.


(NISHAT A. ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN

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Secretary
CGRF (BYPL)