

C A No. 101536989
Complaint No. 204/2022

In the matter of:

Mohd JavedComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

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. Vijay Rana, Mr. Shubham Singh & Ms. Divya Sharma, On behalf of BYPL

ORDER





Date of Hearing: 14th March, 2023
Date of Order: 22nd March, 2023

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

1. Present complaint has been filed by Mohd Javed, against BYPL-NNG.
2. The brief facts of the case giving rise to this grievance are that complainant Mohd Javed, is residing at premises no. 42, new no. B-14/153, Gali No. 6, Kabir Nagar, Delhi-94 and is using electricity through

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

CA No. 10536989. It is also his submission that he is regularly paying his electricity bills as and when raised by respondent. Suddenly, respondent transferred dues of Rs. 47,432/- to his CA No. which does not belong to him. Therefore, he requested the Forum to direct the respondent for revision of his electricity bill.

3. The OP in their reply briefly stated that the complainant has challenged outstanding dues which were transferred from CA No. 101536959 (disconnected) to live connection having CA No. 101536989. Both the connections were energized on 09.12.2005 registered in the name of Mohd Anwar at premises no. B-42, Gali No. 6, Kabir Nagar, Delhi-93. The disconnected connection was domestic and live connection is for non-domestic purpose. The disconnected connection was removed on 23.01.2017 at reading 17890 on account of outstanding dues. After disconnection part-payment was received on 08.01.2018, thereafter no payment was made therefore, an amount of Rs. 47429/- were transferred to the live non-domestic connection in name of Mohd Anwar itself.
4. The counsel of the complainant argued that the disconnected connection in the name of Mohd Anwar was for domestic purpose and the connection which the complainant is using is for non-domestic purpose. He further submitted that there are 11 electricity connections installed in the said premises including one of the complainant's. He further submitted that respondent should have asked the dues from the other 11 connections at the time of their release.
5. The LR of the OP submitted that the dues are transferred as illegal extension took place from live connection and also as both the disconnected as well as live connection were registered in the name of same person and are the only two connections without any floors mentioned.

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The complainant purchased the said property in the year 2015 and the connections in the name of Mohd Anwar were energized in the year 2005. The complainant till date never applied for name change of both the connections in his name. OP further argued that the domestic connection was disconnected in the year 2017 i.e. after the complainant purchased the property and using the electricity connections in all likelihood.

6. Heard both the parties and perused the record. Heard the arguments of Authorized Representative of the complainant and OP-BYPL.
7. The main issue in the present complaint is whether the transferred dues are payable by the complainant.
8. Heard both the parties and perused the record. From the perusal of evidence placed on record pleadings and after hearing both the parties it is transpired that OP has transferred the pending dues of disconnected domestic connection in the name of Mohd Anwar to the live commercial connection in the name of Mohd Anwar itself. Both the connections in the name of Mohd Anwar were energized in the year 2005. The complainant purchased the property in the year 2015 from Mohd Anwar and was using electricity through the meters installed in the name of Mohd Anwar. The domestic connection in name of Mohd Anwar was disconnected in the year 2017 and now OP has transferred dues of disconnected domestic connection to the live connection in the name of Mohd Anwar which is now being used by Mohd Javed, the complainant. Respondent has issued number of connections in the subjected premises after disconnection of domestic connection in the name of Mohd Anwar

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and have not asked them for pending dues. The connection released by OP on 08.01.2018 has been released after taking pro-rata of Rs. 3247/-. Therefore, OP should ask for pro-rata only from the complainant also for release of new electricity connection.

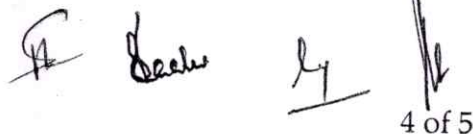
9. As far as legal position is confirmed according to DERC (Supply Code and Performance Standards) Regulations 2017, Rule 10 (4) for the new connection in sub-divided property.

10. New and Existing Connections:-

4) Sub-divided Property:-

- (i) Where property/premises have been legitimately subdivided, the owner/occupier of the respective portion of such sub-divided property shall be entitled to obtain independent connection in his name.
- (ii) The Licensee shall provide the connection, to the applicant of respective portion of the legitimately sub-divided property, on payment of outstanding dues on pro-rata basis for that portion, based on the area of such sub-division or as mentioned in sub-division agreement, and the Licensee shall not deny connection to such applicant on the ground that dues on the other portion(s) of such premises have not been paid, nor shall the Licensee demand record of last paid bills of other portion(s) from such applicant(s).

10. In view of the above, we are of considered opinion that the complainant should be granted new electricity connection after payment of pro-rata share of his portion only; OP should calculate the pro-rata share taking into consideration the entire building and the complainant's share thereof.



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ORDER


Complaint is allowed. OP is directed to issue the pro-rata bill to the complainant.


OP is further directed to release the new connection to the complainant within 7 days of making payment of the pro-rata bill by the complainant.


OP should also file compliance report within 21 days from the date of this order.


The case is disposed off as above.

No order as to the cost. Both the parties should be informed accordingly. File be consigned to Record Room.


(NISHAT A. ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


(S.R. KHAN) 22/3/23
MEMBER (TECH.)


(P.R. SINGH)
CHAIRMAN

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