

Consumer Grievance Redressal Forum
FOR BSES YAMUNA POWER LIMITED
(Constituted under section 42 (5) of Indian Electricity Act. 2003)
Sub-Station Building BSES (YPL) Regd. Office Karkardooma,
Shahdara, Delhi-110032
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SECY/CHN 015/08NKS

CA No. 150782158
Complaint No. 112/2022

In the matter of:

Ram Vinay MehtoComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmed Alvi, Member (CRM)

Appearance:

1. Mr. Nishikant Ray, Counsel of the complainant alongwith complainant
2. Mr. Imran Siddiqi, Mr. Vivek Bhatnagar, Ms. Shweta Chaudhary & Mr. Shubham Singh, On behalf of BYPL

ORDER

Date of Hearing: 06th October, 2022
Date of Order: 11th October, 2022

Order Pronounced By:- Mr. P.K. Singh, Chairman

1. This complaint has been filed by Sh. Ram Vinay Mehto, against BYPL-KRN.
2. The brief facts of the case giving rise to this grievance are that complainant Sh. Ram Vinay Mehto is using electricity in Jhuggi no. F-242, Safeda, Geeta Colony, Delhi-110031, through CA No. 150782158

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Since 2013 and is regularly paying his electricity bills as and when raised by respondent.

It is also his submission that his mother was residing in Jhuggi No. F-381, and was using electricity through CA No. 100846474. The said connection was disconnected in April 2010 on outstanding dues of Rs. 75,017/-. They approached the respondent in September 2013 for rectification of bill but respondent stated that the electricity connection is still running. In October 2020, complainant's mother expired and now the respondent has transferred the said dues in name of his mother to his connection.

3. The respondent in reply briefly stated that the connection in the name of Sudama Devi was disconnected on 04.03.2013 on account of outstanding dues of Rs. 74,624.98/- which was installed at F-381, Jhuggi Shamshan Ghat, Block-F, Geeta Colony, Delhi-110031. On site visit dated 10.08.2019 & 20.09.2019, it was found that the complainant is providing illegal supply from CA No. 1507852158 to CA No. 100846474. Thereafter, they transferred the dues of Sudama Devi to live connection of Ram Vinay Mehto having CA No. 150782158 who is also son of Sudama Devi. The last payment made by Sudama Devi was of Rs. 3500/- on 12.08.2009.
4. Heard both the parties and perused the record.
5. The issue is whether the dues of Sudama Devi are payable by the complainant or not?
6. The Authorized Representative of the complainant has argued that the complainant is residing at Jhuggi no. F-242, Safeda, Geeta colony, Delhi-





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110031 and the dues of his mother Sudama Devi which are transferred to his CA no, are of different address i.e. Jhuggi No. F-381, Safeda, Geeta Colony, Delhi-110031. He further submits that his mother vacated the said premises in the year 2009 and shifted to their native place but respondent raised the bill till the year 2013.

7. Legal Representative of the BYPL has argued on basis of evidence available on record. Respondent submitted that the premises of the complainant and premises of his mother are same and complainant is illegally supplying electricity to the portion of his mother therefore, the dues were transferred to the live connection of the complainant and complainant is liable to pay the dues pending against the connection in the name of Sudama Devi having CA No. 100846474.
8. Before disposing off the application of the complainant, it is relevant to discuss the rules and regulations applicable to this issue.
9. Regulation 52 (3) of DERC (Supply Code and Performance Standards) Regulations 2017.

52. Prevention from Unauthorized Reconnection:-

(3) In case the consumer indulges in unauthorized reconnection from the supply of any other consumer, the Licensee may initiate action as per provisions of unauthorized use of electricity against such consumer who has provided the supply:

Provided that the pending dues of disconnected connection shall be transferred to the account of consumer allowing such connection.

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10. The factual position of the case, as apparent on record is that OP has transferred dues of Sudama Devi amounting to Rs. 75,017/- pending against CA No. 100846474 to the live connection of Ram Vinay Mehto who is son of Sudama Devi. Thereafter, upon non-payment of dues the electricity supply of the complainant was disconnected on 14.02.2021. Total outstanding dues payable by complainant are of Rs. 1,11,968.76/- out of which after directions of the Forum the complainant made payment of Rs. 20,000/- and the supply was restored. The Opposite Party provided bill details submitting therein total outstanding dues of Rs. 91968.76/- including LPSC amount of Rs. 38854.69/-.

The first inspection report dated 10.08.2019 conducted by BYPL found that meter and service line of CA No. 100846474 is removed and complainant is providing illegal supply from CA No. 1507852158 to CA no. 100846474 where the disconnected connection was installed.


11. We are of the view that the dues transferred by OP is as per provisions of above stated Regulation 52 (3) and are payable by the complainant and respondent is well within their right to claim the dues.


ORDER:-

Complaint is allowed. Respondent is directed to waive off entire LPSC amounting to Rs. 38854.69/-. The complainant is further directed to make the payment of the balance amount of Rs. 53114/- in equal monthly installments of Rs. 2500/- each along with current energy charges.

The case is disposed off as above.

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


(NISHAT AHMAD ALVI)
MEMBER (CRM)


(P.K. SINGH)
CHAIRMAN
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