



C A No. Applied for
Complaint No. 178/2023

In the matter of:

Sarita SodiComplainant

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. S.B.Pandey, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Ms. Shweta Chaudhary & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 09th May, 2023

Date of Order: 16th May, 2023

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

1. This complaint has been filed by Ms. Sarita Sodi against BYPL-PHG.
2. The brief facts of the case giving rise to this grievance are that Ms. Sarita Sodi, is registered consumer of CA No. 153182833 for domestic purpose installed at H.No. 10315, FF, Chowk Motia Khan, PaharGanj, Near Jain Mandir, New Delhi-110055. The said premises consist of ground till third floor and he complainant is in possession of first floor from year

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2020. She further added that on 13.11.2022 she deposited bill of Rs. 35000/- but respondent disconnected her electricity supply on the pretext of dues of other portion which are illegally transferred to her connection. 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 restoration of CA No. 153182833 and withdrawal of dues of Rs. 7,23,151.69/- which were transferred from CA No. 100465338 registered in the name of Hira Lal to CA No. 153182833 the then live connection in the name of the complainant. The said live connection was disconnected on 24.11.2022 on account of non-payment of outstanding dues. The building consists of ground floor plus three floors over it and whole building belongs to one family i.e. Sodhi Family. The electricity connections installed at the said premises are as under:-

1. 100459013 Panna Lal, first floor, 8.8.06 energization date, disconnected on 09.03.2017, outstanding dues Rs. 3,92,236.50
2. 100535871, Sunil Kumar, Ground floor, 07.07.2010 energization date, disconnected on 19.03.2017, outstanding dues Rs. 4,23,518/-.
3. 100465338, Hira Lal, no floor, 16.06.2010 energization date, disconnected on 22.08.2021.
4. 153182833, Sarita Sodi, First floor, energization date 12.11.2020, disconnected on 24.11.2022.

OP further added that Panna Lal is husband of the complainant and Mr. Sunil Kumar and Hira Lal are brother in laws of the complainant. The connections mentioned at serial no. 1 & 2 were disconnected on total outstanding des of Rs. 7,23,151.69/-.

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Earlier the dues were transferred to CA No. 100465338, after that on 24.11.2021 Sh. Hira Lal Sodhi, approached the PLA for settlement of transferred dues. The dues were settled for Rs. 5,35,152/- against the amount of Rs. 7,23,151.69/-. In terms of settlement the settled amount was to be cleared in five monthly instalments. But despite of settlement no payment was made as a consequence the said connection was disconnected as per the law on 22.08.2021 and was not restored.

In the meantime, the complainant applied for new connection in the year 2020, for first floor of the said premises, which was released on 12.11.2020. A notice for transfer of dues was issued to the complainant on 22.04.2022 to remove illegal extension and was given time for personal hearing on 09.05.2022, but complainant failed to respond the notice issued, therefore, the dues of Rs. 7,23,151.69/- were transferred to her connection on 28.07.2022, and on account of non-payment of dues the said electricity connection was disconnected.

4. Representative of the complainant denied the contentions of the respondent as averred in their reply and stated that he is ready to pay the dues in one go if the entire LPSC amount is waived off by the Forum.
5. LR of the OP stated that since the complainant has already entered into settlement in Hon'ble PLA, therefore, this Forum cannot give any relief to the complainant.

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
6. As far as legal position is confirmed according to THE DELHI ELECTRICITY REGULATORY COMMISSION (Forum for Redressal of Grievances of the Consumers and Ombudsman) REGULATIONS, 2018 Regulation 13. Limitation of Jurisdiction of the Forum (1) The Forum shall not entertain a grievance if it pertains to the same subject matter for which any proceedings before any court, authority or any other Forum is pending or a decree, award or a final order has already been passed by any competent court, authority or forum.
7. In view of the above, this Forum cannot interfere into the settlement/orders of the PLA. But we can order OP to waive off additional LPSC amount on Rs. 5,35,152/- raised after the PLA settlement.


ORDER


The complaint is allowed. OP is directed to waive off additional LPSC amount on Rs. 5,35,152/- raised after the PLA settlement.

Case is disposed off as above.

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

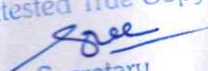

(NISHAT A. ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN

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