



C A No. 101022676  
Complaint No. 40/2022

In the matter of:

Vijay Kumar Aggarwal .....Complainant

**VERSUS**

BSES Yamuna Power Limited .....Respondent

Quorum:

1. Mrs. Vinay Singh Member(Law)
2. Mr. Nishat Ahmad Alvi, Member (CRM)

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Mr. Imran Siddiqi & Ms. Shweta Chaudhary, On behalf of BYPL

**ORDER**

Date of Hearing: 10<sup>th</sup> May, 2022  
Date of Order: 17<sup>th</sup> May, 2022

**Order Pronounced By:- Mrs. Vinay Singh, Member (Law)**

Briefly stated facts of the case are that the respondent demanded old dues of year 2007 from the complainant which are illegal.

The complainant's grievance is that in the year 2004, firstly District Forum and then Hon'ble State Commission ordered in his favour and got a meter installed. He further submitted that respondent disconnected his electricity supply of CA No. 100053878 in the year 2007 on account of non-payment of dues. It is also his submission that during the period 2007 till 2019 respondent never

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approached him for recovery of outstanding dues and in November 2019 transferred an amount of Rs. 2,86,640/- to live connection having CA No. 101022676.

He also added that when he approached the respondent, they revised the bill to Rs. 87,647/- . He repeatedly met with the officials of the respondent but all went in vain. Therefore, he requested the Forum to direct the respondent for removal of transferred dues.

Notices were issued to both the parties to appear before the Forum on 28.03.2022.

The respondent in their reply stated that one industrial connection in the name of complainant bearing CA No. 100053878. On account of outstanding dues electricity supplied through said connection was disconnected in the year 2007 and the meter was finally removed on 14.02.2017. At the time of disconnection of electricity in 2007 the amount outstanding was Rs. 2,85,667/- which included LPSC of Rs. 99220/-. The said amount was transferred to another commercial connection bearing CA No. 101022676 on 19.11.2019. The said connection was installed at the same premises and registered in the name of complainant. As the complainant failed to make payment as a consequence the said connection was also disconnected on the outstanding of Rs. 3,15,111/- which included further LPSC of Rs. 19065/-.

Respondent further added that said amount of Rs. 3,15,111/- was transferred to third connection installed at same premises registered in the name of complainant bearing CA no. 100880186 under domestic category.

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The matter was listed for hearing on 28.03.2022, when respondent filed written submissions; copy of same was supplied to the complainant. Complainant was asked to file rejoinder to the reply of the respondent. Respondent was also directed to not to disconnect supply of the complainant till pendency of the case in the Forum and subject to payment of current dues by the complainant, if any.

Respondent was further directed to file statement of account of the complainant till 2001-2002 and prior to that period whatever is available with them. Respondent should also file K.No. files of all the connections in the premises.

On hearing dated 18.04.2022, respondent filed one mail dated 12.04.2022 that neither DVB record nor K.No. file of the complainant is available with them. Another date is given to resolve the matter.

The matter was again heard on 27.04.2022, when respondent stated that K.No. file is not traceable being old record of 1990-1995. Respondent was directed to file an affidavit that K.No. file not available. Respondent was also directed to submit the consumption pattern, reading chart from 2002 to 2011 till the disconnection. Respondent was also directed to file disconnection sheet of this CA No. and meter number.

Complainant was directed to produce all the documents related to the orders of CDRF when the meter was energized in 2005 and disconnected in 2007 due to transferred dues.

The matter was finally heard on 10.05.2022, when complainant filed meter changing report of February 2005, copy of same was supplied to the respondent. Respondent was directed to show meter reading and consumption

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pattern of the complainant's connection. Also the meter was burnt in the year 1997 and BSES was not the supplier of the electricity at that time. If respondent wants to submit any submissions they can file within two days. Arguments heard and matter was reserved for orders.

The main issue in the present complaint is whether dues are recoverable from the complainant or not.

We have gone through the submissions made by both the parties. From the narration of facts and material placed before us we find as under:-

- That the meter of the complainant was burnt in August 1997 but respondent has not changed the burnt meter of the complainant. Complainant made several complaints to the office of the erstwhile DVB for replacement of burnt meter but erstwhile DVB did not pay any heed to his complaints.
- Then the complainant made complaint in Consumer Dispute Redressal Forum (CDRF) vide case no. 237/99 and submitted that erstwhile DVB has not changed the burnt meter on pretext of site of the complainant not traceable. Despite his repeated requests erstwhile DVB had not changed the burnt meter. It is also submitted on page no. 4 of the order that 'in any case the meter of the complainant would only be changed when electricity bill is being submitted by the complainant.'
- CDRF concluded their order stating therein that DVB has not supplied electricity to the complainant it is a proven fact which causes huge financial loss to the complainant as he was unable to run his Atta Chakki without electricity.
- Therefore, CDRF vide their order dated 20.03.2001 ordered DVB to install new meter at the premises of the complainant and also award complainant Rs. 5,000/- compensation and Rs. 1,000/- cost of litigation.

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- Against the order of the CDRF, erstwhile DVB approached The State Commission, Delhi, vide appeal no. A-1058/2001 for waiver of penalty amount and litigation cost of Rs. 5,000/- and Rs. 1,000/- respectively.
- The State Commission vide their order dated 05.10.2004, ordered that **"we are only concerned with the installation of new meter, which shall be installed within one month after completion of necessary formalities by Sh. Vijay Aggarwal. The compensation awarded by District Forum was set aside in view of plea raised by the appellant in respect of old meter having been tampered."**
- After the order of The State Commission, respondent installed the meter of the complainant on 11.02.2005 vide meter changing report no. 5392.
- The respondent in their reply has clearly stated that the meter was disconnected in the year 2007. The record of respondent also shows that during the period 27.06.2005 till 17.10.2007 the complainant made total payment of Rs. 13186.97/- on different dates as and when bill was raised by respondent.
- The record of respondent shows regular meter readings since the date of meter installation i.e. 11.02.2005. The reading of the bill for the month of July 2007 was 2358 and the respondent submitted meter reading at the time of removal of meter i.e. on 19.06.2007 as 19005 which is nowhere matching with the reading pattern of the meter as submitted by the respondent.
- The supply of the complainant was disconnected on account of non-payment of illegal dues of DVB period raised by the respondent which the complainant was alleging are incorrect and not payable by him.
- During the course of hearings the forum repeatedly asked the respondent to submit meter reading record of the complainant but respondent failed to provide the same. Respondent has provided on 13.05.2022 meter reading record from date of installation i.e. 2005 till date of disconnection i.e. June 2007.
- Respondent has not taken any step to recover such amount by any mode and has a right described in Indian Electricity Act 2003.

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In view of above, we are of considered opinion that after the meter of the complainant got burnt in the year 1997, erstwhile DVB has not restored the supply of the complainant. The meter was installed in the year 2005 after the orders of The State Commission. And said meter was also disconnected on account of non-payment of illegal demand by the respondent in the year 2007. Date of disconnection is 19.06.2007 as evident from the record submitted by the respondent and the final meter should be considered as 2358 for the month of July 2007.

As held by Hon'ble High Court of Delhi in Izhar Ahmad & Anr has stated "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 fraudulent abstraction charges before grant of new connection or reconnection of the said premises."

Therefore, we direct as under:-

- The respondent is directed to revise the bill of the complainant by considering the final reading as 2358 in the month of July 2007 after disconnection on 19.06.2007 and adjusting all the payment by the complainant during that period.
- The complainant is liable to pay the revised bill amount of the period 2005 till July 2007, if any raised by the respondent.
- The respondent is directed not to disconnect the domestic connection of the complainant on which the dues were transferred.

The case is disposed off.

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



(NISHAT AHMAD ALVI)  
MEMBER (CRM)



(VINAY SINGH)  
MEMBER (LAW)