



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

C A No. 152581961
Complaint No. 57/2021

In the matter of:

Bijender SharmaComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. Arun P Singh (Chairman)
2. Mrs. Vinay Singh, Member (Legal)
3. Dr. Harshali Kaur, Member (CRM)

Appearance:

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

ORDER

Date of Hearing: 23rd July, 2021

Date of Order: 29th July, 2021

Order Pronounced by:- Mrs. Vinay Singh, Member (Legal)

Briefly stated facts of the case are that the respondent transferred dues of other CA No. to his live connection.

It is also his submission that he purchased property bearing no. I-126, Upper Ground Floor, Garhwali Mohalla, Laxmi Nagar, New Delhi-110092 on 16.04.2018. He applied for new electricity connection and a new meter was installed vide CA No. 152581916 on 13.07.2018 in his premises. The respondent transferred dues of inactive connection having CA No. 151027560 to his live connection having CA No. 152581961.

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He further submitted that inactive CA No. 151027560 was installed at upper 2nd floor of the property bearing no. I-126, Lalita Park, Laxmi Nagar, Delhi whereas the active CA No. 152581961 is installed at upper ground floor of the said premises. Therefore, he requested the Forum to direct the respondent for removal of the transferred dues from his CA number.

Notices were issued to both the parties to appear before the Forum on 30.04.2021.

Due to an upsurge in Covid-19 second wave hearings in the Forum could not be conducted during the period 20.04.2021 to 10.06.2021.

The respondent submitted their reply submitted therein that CA No. 152581961 of domestic category in the name of Mr. Bijender Sharma installed at I-126, UGF, Garhwali Mohalla, Laxmi Nagar, Delhi-110091. CA no. 151027560 in the name of Mr. Satender was disconnected on 22.11.2017 due to non-payment of bill amounting to Rs. 96392/- which was installed on I-126, USF, Garhwali Mohalla, Laxmi Nagar, Delhi-91, but was found to be used on upper ground floor in inspection for misuse on CA No. 151027560 on dated 25.08.2017.

Respondent carried out site inspection on 05.08.2020 and found that supply was being used in disconnected portion through CA No. 152581961 installed in name of Sh. Bijender Sharma. It was also submitted that electricity connection bearing CA No. 151027560 installed for domestic use, registered in the name of Satender Kumar, which was officially installed at I-126, USF, Garhwali Mohalla, Laxmi Nagar, Delhi-110091, however, during inspection for misuse of the premises on 25.08.2017 it was found that the said connection of Mr. Satender Kumar installed at Upper Second Floor was used at upper ground floor of the said building and was being used by Sh. Manoj (tenant) for commercial

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purpose and hence a case of UUE was booked against the user Sh. Manoj and Registered consumer Sh. Satender against CA No. 151027560 which was being found to be in use at Upper Ground Floor. Later, a misuse bill of Rs. 163758/- was generated with due date 13.07.2017.

In response to the hearing notice of UUE the representative of consumer appeared in the office of the respondent on 12.09.2017 and submitted a rent agreement of Upper Ground Floor where connection bearing CA No. 152581961 of Mr. Bijender was installed on dated 13.07.2018 which proves that disconnected connection was being used at the floor of the complainant before disconnection on dated 22.11.2017.

The matter was listed for hearing on 23.06.2021, when respondent filed brief facts of the case but the reply filed by them is incomplete. Respondent was directed to file K.No. files of all the three connections namely connection of Mr. Satinder Kumar, present connection at upper second floor and complainant's. Respondent is also directed to file statement of account of all the three connections.

Matter was again heard on 30.06.2021, when respondent sought some more time due to some technical problem. The transferred amount of the bill of the complainant C.A. No. 151027560 has been stayed by the Forum till final orders. Complainant was directed to deposit current dues.

The respondent vide their mail dated 31.07.2021 submitted that prior to dues transfer of disconnected connection on complainant's connection, the respondent has initiated the dues transfer process against the connection of Smt. Chandra Devi Joshi bearing CA No. 151321863. However, Smt. Chandra Devi submitted her presentation stating that Satender's connection was

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supplying electricity to the upper ground floor but billing address is upper second floor and the connection she is using bears address of upper ground floor but she is using it on upper second floor.

Respondent also submitted that after going through the documents submitted by Chandra Devi, they were found correct and dues from Chandra Devi connection were reverted back and site was again visited and notice to the current complainant was sent and dues were transferred subsequently.

Brief facts of the case are that it is a case of cross connection. The connection bearing CA No. 151027560, registered in the name of Satinder Kumar which was disconnected on 22.11.2017 against the outstanding dues Rs. 96392/- which includes the LPSC amount of Rs. 4894/-. As per the inspection report of the respondent dated 25.08.2017, Satinder Kumar is the owner of the said premises. Satinder Kumar has given it on rent to Mr. Manoj Kumar Yadav as per the rent agreement filed by the respondent.

Satinder Kumar is residing on upper ground floor and supply was being used through upper second floor. On 19.04.2018, Bijender Sharma purchased the said property and is now owner of said property bearing address I-126, UGF, Garhwali Mohalla, Laxmi Nagar. The dues transferred by the respondent of the same floor which is now used by Sh. Bijender Sharma, the complainant. It is pertinent to mention here that Satinder Kumar who rented the premises to Manoj Kumar Yadav, as per the inspection report. When Bijender Sharma purchased this property in 2018, the same Manoj Kumar Yadav, tenant of Satinder Kumar witnessed the sale deed of Bijender Sharma. It seems that the complainant and witness Manoj Kumar Yadav (tenant) are known of each other and it an involvement of all of them.

Later on the counsel of the complainant filed a written submission; it does not include any fresh facts of the case as represented earlier at the time of hearing of the case.

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The energy dues are on the property and always recoverable as decided by Hon'ble High court and Supreme Court in different matter.

That In the matter of Madhu Garg & Anr. Vs North Delhi Power Limited the Hon'ble High Court of Delhi hold, "In our opinion, whenever a person purchases a property it is his duty to find out whether there are outstanding electricity dues in relation to the premises or not, and he cannot be allowed to say later that he was unaware of the fact that there were electricity dues of the previous owner/tenant.

In view of the general condition of supply, it is the duty of the new owner/occupant to himself make enquiries and find out whether there was such dues or not. The general conditions of supply are statutory in nature (being delegated legislation), and hence the question of bonafide or malafide does not arise, and in either case the new owner/occupant of the premises has to pay the dues against the previous owner/tenant if he wishes the electric supply to be continues."

Paschimanchal Vidyut Vitran Nigam Limited Vs. DVS Alloy and Steel, AIR2010Delhi14, states that dues of the premises cannot disown the liability of paying the electricity dues, relating to the property purchased by them.

In BSES Rajdhani Power Limited Vs Saurashtra Color Tones Pvt. Ltd. & ors., 2006, Delhi Law Times page no. 213, stated as under:

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.

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As held by Hon'ble Supreme Court in Isha Marbles has been corrected in the Reforms Act empowering the distribution companies in the NCT of Delhi to recover arrears of electricity charges from the new owner/occupier.

In view of above, we are of considered opinion that Complainant is liable to pay the dues transferred amount without LPSC i.e. (Rs. 96392 - Rs. 4894) = Rs. 91498/-.

The case is disposed off as above.

No order as to the cost. A copy of this order be sent to both the parties and file be consigned to record room thereafter.

The order is issued under the seal of CGRF.

The compliance should be reported within 30 days. The order is issued under the seal of Consumer Grievance Redressal Forum (BYPL).



(HARSHALI KAUR)
MEMBER (CRM)



(VINAY SINGH)
MEMBER (LAW)



(ARUN P SINGH)
CHAIRMAN