

C A No. Applied for
Complaint No. 39/2024

In the matter of:

Amarnath

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. N.A. Alvi, Member (CRM)
3. Mr. P.K. Agrawal, Member (Legal)
4. Mr. S.R. Khan, Member (Technical)
5. Mr. H.S. Sohal, Member

Appearance:

1. None present on behalf of the complainant
2. Mr. Deepak Pathak, Mr. Rajeev, Mr. S.P. Anand, Ms. Chhavi Rani, Mr. Akshat Aggarwal & Mr. Lalit, on behalf of respondent
3. Ms. Sampanna Pani, on behalf of DPCL

ORDER

Date of Hearing: 26th September, 2024

Date of Order: 07th October, 2024

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

1. The brief facts of the case giving rise to this grievance are that an electricity connection having CA no. 100051405 was installed at his premises whose wrong bill was raised by OP amounting to Rs. 27,24,405/-. The said dues are pertaining to DESU period and OP is giving different statement regarding these dues. Therefore, he requested the Forum for removal of the said dues.

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CGRF (BYPL)

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2. The respondent in reply briefly stated that the present complaint has been filed by the complainant seeking removal of outstanding dues existing on CA no. 100051405 registered in the name of M.s B.S. Engineering. The basis of challenge is that the complainant has settled the dues pertaining to period of 2002-2009. The dues as reflecting on the connection pertain to DVB period and are not recoverable. Reply further added that complainant had filed a suit no. 148/1998 titled as M/s B.S. Engineering Works Vs BSES YPL on dated 19.03.1998 against the erstwhile DVB challenging the bill of Rs. 4,47,429.49/- dated 27.01.1998. Later on this demand increased to the tune of Rs. 1635888.10/- due to accumulation of LPSC. As per record BSES settled the bill for the period of 04.07.2002 to 27.03.2009 pertaining to post DVB period. The billing dispute for the period of BSES from 04.07.2002 to 27.03.2009 has been settled for a sum of Rs. 1,15,072/-.
- The dues of erstwhile DVB period which now known as dues of DPCL remained pending and arrears kept inflating due to addition of LPSC over the period of time. As on date the dues have inflated to Rs. 36,40,535.86/-. In this regard, BSES has taken up the matter with DPCL and letters were sent but no response has been received so far. OP requested to implead DPCL in the matter.
3. As per the request of OP, DPCL was summoned to become party in the present case. DPCL submitted that they have written to CEO's of DISCOMs regarding status of outstanding dues of electricity of DVB period against private consumers in which payment received either from pending or decided through court cases. DPCL further stated that they have not received any communication from the DISCOMs in this regard and this process would take time.

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4. In view of the above, we are of considered opinion that it is an admitted fact that the dues as demanded from the complainant are of DVB period and DVB stated that the process of finalizing these dues will take time. Therefore, the dues claimed from the complainant should be kept in abeyance till the final outcome regarding the dues from DPCL.

ORDER


The complaint is allowed with the directions to OP to keep the dues of erstwhile DVB period in abeyance till the final outcome regarding the dues from DPCL. The complainant, if applies for new electricity connection, may be granted the same without asking him clearing the said dues and after completion of other commercial formalities as per DERC Regulations 2017.

The parties are hereby informed that the instant Order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order.

If the Orders are not appealed against within the stipulated time or no interim stay thereon has been granted by the Ombudsman, the same shall be deemed to have attained finality.

Any contravention of these Orders is punishable under Section 142 of the Electricity Act 2003.


(P.K. SINGH)
CHAIRMAN


(S.R. KHAN)
MEMBER-TECH

(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER

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