



C A No. 101634963 & Others
Complaint No. 88/2024

In the matter of:

Anjali & Others

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

1. Mr. Ankit, Counsel of the complainant
2. Ms. Kavya, Mr. Rajeev, Mr. Lalit, Ms. Chhavi Rani & Akshat Aggarwal On behalf of BYPL

ORDER

Date of Hearing: 26th September, 2024

Date of Order: 07th October, 2024

Order Pronounced By:- Mr. H.S. Sohal, Member

1. This complaint has been filed by Ms. Anjali & Others against BYPL-Nand Nagari. The brief facts of the case giving rise to this grievance is for seeking directions to the respondent to restrain disconnection of electricity and for removal of dues transferred from CA No. 152231248, 101634963, 151598406, 101636147, 152114987, 101634983, 101634925, 101634941, 153744817, 101613414, 150171115 and 150149885 installed at

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Secretary
CGRF (BYPL)

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H. No. A-85, A-85A, Nathu Colony, Shahdara, Delhi-110093. Therefore, they requested the Forum to direct the respondent not to disconnect the electricity supply and removal of the dues transferred.

2. The respondent in reply briefly stated that the complainants is seeking removal of transferred dues of disconnected connection to their connections and further seeking no disconnection till the disposal of the complaint. It is submitted at the outset that the CA No. 101634963 in respect of which relief is sought is not registered in the name of the complainant; however she is user of the said connection. It is further submitted at outset as the complaint and authorization letter is filed only by the complainant, as such the present complaint is only maintainable in respect of the complainant.

The dues of electricity connection bearing CA No. 100004805 (Disconnected Connection) registered in the name of Ms. Rajmani were transferred proportionately to 12 electricity connections built on the subject land, out of which the complainant's electricity connection is CA No. 101634963 (Live Connection) and is registered in the name of Ms. Maya who was the erstwhile owner of the property. The connections involved were/are installed at property bearing no. A-85-A, Nathu Colony, Delhi-110093. The subject premises were inspected on 26.09.2023. It was observed that 12 electricity connections are running in the subject property. Resultantly, show cause notices dated. 05.10.2023 were issued to the users of the of the 12 electricity connections for demand for payment of outstanding dues of the disconnected connection.

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Further, the site was re-visited on 25.10.2023 and thereafter personal hearing notices were issued on 01.11.2023 to attend the personal hearing on 14.11.2023.

Upon no representation the dues were transferred to the live connections. The connection disconnected in 2008 subsequent to the subject connection in the name of Maya. The claim of the complainant that at the time of the purchase of the property she had enquired about the outstanding electricity dues, on the face of it is false as had she enquired and found out that no dues were outstanding then she would have got the subject connection transferred in her name at the time of purchase of the property. The transfer of the dues is and the outstanding dues are transferred to the live connection as per the law.

3. Counsel for the complainant rebutted the contentions of the respondent was averred in their reply and submitted that present complaint is maintainable in respect of the all CA's numbers which are granted by the authority to the concern property as the present compliant contain all CA number bill and supported by the Aadhar Card of the consumers. Complainant stated that at the time of purchase of the said property the complainant enquired about the no dues against the said property and the respondent has neither granted any support to the consumer nor surrendered any kind of information against the said dues.

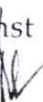
It is submitted that in the said property total 12 live connections are installed from time to time and all of complainants in the complainant enquired for the no dues against the said property but the respondent never supported/granted the complainant with any NOC against the dues.

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That the live connections are in the orders which are as follow:

S.NO.	CA NO.	FLAT NO.	Date of Installment
1	152231248	1	23.06.2017
2	101634963	2	18.07.2007
3	151598406	3	08.10.2015
4	101636147	4	19.07.2007
5	152114987	5	24.02.2017
6	101634983	6	18.07.2017
7	101634925	7	18.07.2017
8	101634941	8	18.07.2017
9	153744817	9	09.04.2022
10	101613414	10	09.05.2008
11	150171115	11	05.08.2011
12	150149885	12	20.08.2011

Complainant stated that the transfer of dues is incorrect and it is against the provisions of the law as it is time barred debt which cannot be demanded from the beneficiaries.

4. During the course of arguments, the counsel of the complainant stated that he is willing to pay the dues, if the entire LPSC is waived off from the transferred dues. OP agreed to the same.

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ORDER

The complaint is allowed with the direction to OP to waive off entire LPSC amount from the transferred bill amount and issue all the 12 complainants new bill without LPSC.

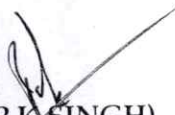
The parties are hereby informed that the instant Order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order.

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.

on leave

(S.R. KHAN)
MEMBER-TECH


(P.K. SINGH)
CHAIRMAN


(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER

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