

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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REGD. OFFICE KARKARDOMA

C A No. 153634182
Complaint No. 627/2024

In the matter of:

Ankur GuptaComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Agrawal, Member (Legal)
2. Mr. S.K Khan, Member (Tech.)
3. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Nishikant Ray, Counsel of the complainant
2. Mr. Akash Swami, Mr. R.S Bisht, Mr. S.P. Anaand, Ms. Chhavi Rani & Mr. Akshat Aggarwal, on behalf of respondent.

ORDER

Date of Hearing: 22nd April, 2025

Date of Order: 08th May, 2025

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

1. The brief facts of the case giving rise to this grievance are that the complainant applied for withdrawal of dues transferred against CA No. 153634182 installed at premises no. A-2/45, GF, shop no. 4, Krishna Nagar, Delhi-110051. Complainant alleged that respondent has transferred wrong dues on his connection mentioned above and same need to be removed along with LPSC.

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2. OP in its reply submitted that the complainant is seeking setting aside of dues transfer of bill amounting to Rs. 3, 26,921/- against his CA no. 153634182 installed at premises bearing address shop no. A-2/45, GF, Shop no. 4, Krishna Nagar, Delhi-110051.

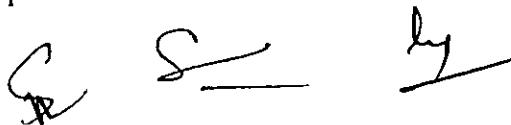
OP in its reply further submitted that one connection bearing C Ano. 100800346 having registered consumer Hukum Gupta is lying disconnected since 11.08.2008 having outstanding dues of Rs 1,35,289/- inclusive of LPSC Rs. 47,235/-.

Another connection bearing CA no. 100804193 having registered consumer namely Hukum Gupta is lying disconnected since 06.09.2008 having outstanding amount of Rs. 1,46,829/- inclusive of LPSC of Rs. 51174/-.

Third connection bearing CA no. 100916460 having registered consumer namely Manmohan is lying disconnected since 28.03.2011 having outstanding amount of Rs. 92204/- inclusive of LPSC of Rs. 14624/-.

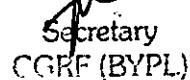
Reply further stated that since the dues were not paid, the same were transferred to the live connection bearing C A no. 150133663 in the name of Payal Gupta. This connection also got disconnected on 29.11.2013 due to outstanding amount of Rs. 3,26,921/- having LPSC of Rs. 85,371/-. These dues which were not being paid were duly transferred on the live connection bearing C A no. 153634182 having registered consumer Ankur Gupta.

OP also submitted that Nobel Gupta, husband of Payal Gupta made payment of Rs. 14,400/- through his own cheque against CA no. 153634182 which is having registered consumer namely Ankur Gupta but the said cheque was eventually bounced. Reply further added that Madhu Gupta who was erstwhile owner of the same property was the mother in law of Payal Gupta.

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3. Counsel for the complainant filed rejoinder and refuted the contentions of the respondent as averred in their reply and submitted that the complainant Ankur Gupta has no relation with Hukum Gupta. Therefore, he is not liable to pay the dues of Hukum Gupta, Manmohan and Payal Gupta. Regarding bounced cheque the complainant submitted that he has given one security cheque to Nobel Gupta which he misused and paid the electricity bill.
4. During the course of arguments, OP submitted a hand written letter of Nitin Gupta dated 09.12.2024, who is son of Madhu Gupta, stating therein that CA no. 153634182 is being used by them. He also stated that if possible he may be allowed any rebate in the electricity bill and by 10th March he will clear the outstanding amount in small installments else his meter may be removed.
5. Against this submission of Nitin Gupta by OP, the complainant also filed an affidavit in which the complainant clearly stated that he purchased his property from Madhu Gupta in the year 2012 and got a new electricity connection installed in his name in the year 2022. He has no relation with Nitin Gupta or any dues on the property. He further submitted that after the demise of Madhu Gupta, her son Nitin Gupta is trying to grab the shop by unfair means. Therefore, he is not liable to pay any dues pending upon the property.
6. Arguments of both the parties were heard.

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7. From the narration of facts and material placed before us we find that if we go through the Regulations concerned Regulations 10 & 11 of DER (Supply Code and Performance Standards) Regulations 2017 deal with new connections. Sub-Regulations 5 of Regulations 10 specifically states that new connection shall be given only after outstanding dues of the premises are duly paid.
8. Further regulations 11 (1) (iv) & (v) are also relevant which stipulates as under:

11. New Electricity Connection:-

(iv) The Licensee shall indicate all the deficiencies in the application form to the applicant in one go only and shall not raise any new deficiency subsequently.

(v) In case the Licensee fails to intimate the applicant about any deficiencies in his application on the spot or within the stipulated 2 (two) days in case of online application, as the case may be, the application shall be deemed to have been accepted by the Licensee on the date of receipt of the application.

9. Thus as per aforesaid Regulations, not only this that the outstanding dues ~~are~~ must to be cleared prior to grant of new connection but also OP has to indicate all deficiencies in one go and cannot raise any other deficiency later on. In the present case on grant of new connections, OP did not claim outstanding as deficiency and granted connection without getting cleared the outstanding dues of disconnected connection.



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10. On the basis of the aforesaid findings, we are of the considered view that as on date OP can't claim the outstanding dues of disconnected connection of CA no. 150133663, after forfeiting its right to claim or recover the outstanding dues as per Proviso to Sub-Regulation 2 of Regulation 42 of DERC (Supply Code and Performance Standards) Regulations 2017.

ORDER

The complaint is allowed by this order. OP is directed to withdraw the dues of Rs. 3,26,921/- transferred on live connection vide CA no. 153634182, of Ankur Gupta and correct/revise the bills accordingly.

This Order shall be complied within 21 days of the receipt of the certified copy or from the date it is uploaded on the Website of the Forum; whichever is earlier.

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

If the Order is not appealed against within the stipulated time, the same shall be deemed to have attained finally.

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


(H.S. SOHAL)
MEMBER


(P.K. AGRAWAL)
MEMBER (LEGAL)


(S.R. RIAN)
MEMBER (TECH.)

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