



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. 101264804
Complaint No. 123/2021

In the matter of:

Devender Kumar SharmaComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. Arun P Singh (Chairman)
2. Mrs. Vinay Singh, Member (Legal)

Appearance:

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

ORDER

Date of Hearing: 01st December, 2021
Date of Order: 03rd December, 2021

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

Briefly stated facts of the case are that respondent disconnected the supply of CA no. 101264804 on account of non-payment of wrongly transferred dues.

It is also his submission that he is user of CA No. 101264804 and is paying the bills regularly. In the month of August 2020, respondent transferred some dues of another connection having C A No. 150858796 in the bill of complainant's connection.

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Complaint No. 123/2021

Complainant further added that on enquiry the respondent said the dues of CA No. 101322270 which was disconnected prior to the year 2002 has been transferred. The complainant made payment of Rs. 42650/- and balance of the dues were dropped. Now respondent again transferred those dues to another connection of complainant to CA No. 101264804. Thereafter the respondent disconnected the supply of applicant against CA No. 101264804 for non-payment of wrongly transferred dues. Therefore, he requested the Forum to direct the respondent that the transferred dues of Rs. 50439/- should be reverted back and supply of the complainant be restored immediately. He also asked for any other relief which the Forum deemed fit.

Notices were issued to both the parties to appear before Forum on 24.11.2021.

The respondent company submitted their reply stating therein that the present complaint is liable to be dismissed as the complainant has deliberately with intent to mislead the Forum concealed and twisted the material facts and is guilty of suggestion falsi and suppression veri. It was also submitted that the premises involved is property bearing no C-72/2, Mohanpuri, Maujpur, Delhi which at present is energized through CA No. 101264804 registered in the name of Devender Kumar and not in the name of Devender Kumar Sharma as alleged by the complainant.

The complainant filed present complaint in his capacity as owner and user of the aforementioned electricity connection and as per ownership documents the same were executed in his favour in the year 2011, yet the complainant never initiated the steps for name change.

Respondent further added that on 18.07.2019 site verification was carried out at the premises in issue and it was found that at subject premises one electricity

Complaint No. 123/2021

connection bearing no. 150858796 (disconnected connection) existed in the name of Ms. Lata Sharma, wife of the complainant. The said connection was disconnected on 28.05.2016 on account of outstanding dues of Rs. 93089/- . On disconnected the entire premises stated consuming electricity through connection bearing CA No. 101264804 registered in the name of Mr. Devender Kumar, existing since 1999. The electricity connection in the name of Lata Sharma was energized in the year 2013. Accordingly, the registered consumer of the live connection was served with notice dated 16.01.2020 in terms of Delhi Electricity Supply Code and Performance Standards Regulations 2017 (supply Code 2017) whereby the consumer was asked to clear all outstanding dues failing which the outstanding dues would be transferred to the live connection in term of Regulation 52 (3) of the Supply code 2017.

The premises of the complainant were re-inspected on 02.03.2020 and on re-inspection the supply was found to be used through live connection, accordingly, another show cause notice dated 31.07.2020 was sent whereby the consumer was asked to show cause as to why the dues of disconnected connection be not transferred to the live connection. A notice was also issued to the complainant which the complainant failed to reply as such dues were transferred on 17.08.2020.

Regarding electricity connection in the name of Lata Sharma, dues of Rs. 85167/- in respect of CA no. 101322270 registered in the name of Mr. Raghunath were proportionately transferred to CA No. 101292689 (Ram Sanware Lal) and CA no. 15085796 (Lata Sharma) in May 2015 on the basis of site visit dated 02.01.2015.

From the documents placed on record by the complainant and as available in the record of respondent in the form of K.No. file of Lata Sharma, it is apparent

Complaint No. 123/2021

that the complainant and his wife have two portions of property bearing the same number. Mr. Raghunath was the previous owner of both the plots. Apparently one plot was energized through CA No. in the name of Devender Kumar and other plot new electricity connection was taken in the name of Lata Sharma. Due to difference in address the past dues of Raghunath were not claimed at the time of grant of new connection to Ms. Lata Sharma.

The dues in the name of Lata Shamra of Rs. 93089/- were outstanding since year 2016 as a consequence whereof electricity was disconnected. On 06.11.2019 an amount of Rs. 42650/- was paid leaving behind the outstanding of Rs. 50425/- which were finally transferred to the current live connection in the name of Devender Kumar. Regarding the transferred dues the same pertain to post DVB period only. The outstanding dues were Rs. 14,30,197.98/- which after requisite adjustments on account of security deposit, dues pertaining to erstwhile DVB period and so on, were finally reduced to Rs. 84,167/- which was proportionately divided and transferred to two electricity connections.

The matter was listed for hearing on 24.11.2021, when none was present on behalf of the complainant and respondent filed reply alongwith statement. Respondent was further directed to provide K.No. files and accounts statement of both the CA Nos. 101322270 and CA No. 101292689.

As per the directions of the Forum, respondent submitted statement of accounts of both the CA Nos. and also submitted that K.No. files of both connections is not traceable as same pertains to 10.04.1985 of Raghunath CA NO. 101322270 and of the year 01.01.1990 of Ram Sanware Lal of CA no. 101292689.

Matter was finally heard on 01.12.2021, when arguments of both the parties were heard and matter was reserved for orders.

Complaint No. 123/2021

The main issue in the present case is whether the 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 that the statement of accounts submitted by the respondent shows 'Zero' consumption. The respondent has raised fictitious electricity bills to the complainant. Since the statement of record shows no consumption by the complainant since long therefore it is evident that respondent has raised arbitrary bill. The transferred dues of Rs. 50,439/- are unjustified and unreasonable on the basis of the account statement submitted by the respondent, hence are quashed.

In view of above, we are of considered opinion that the bill raised by respondent is illogical and fictitious. Therefore, we direct the respondent

- To withdraw the illegal and illogical transferred amount of Rs. 50439/- to the connection of the complainant.
- Forum also directs the respondent to restore the electricity connection of the complainant against CA No. 101264804 which was disconnected by them on account of non-payment of transferred dues.
- Forum further directs the complainant to clear other dues of CA No. 101264804 apart from these transferred dues in question for restoration of supply.

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.


(VINAY SINGH)
MEMBER (LAW)


(ARUN P SINGH)
CHAIRMAN