



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
Phone: 32978140 Fax: 22384886
E-mail:cgrfbyp@hotmai.com
SECY/CHN 015/08NKS

C A No. 101404845
Complaint No. 78/2022

In the matter of:

Gainda Devi through Mohd. AzamComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mrs. Vinay Singh Member(Law)
2. Mr. Nishat Ahmad Alvi, Member (CRM)

Appearance:

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

ORDER

Date of Hearing: 02nd June, 2022
Date of Order: 06th June, 2022

Order Pronounced By:- Mrs. Vinay Singh, Member (Law)

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

The complainant's grievance is that he is co-owner of property bearing no. G-43/C, Gali No. 13, Bhagirathi Vihar, Delhi-110094. Already two electricity connections are installed in the said property vide CA No. 101404845 and 101301553 and respondent illegally transferred dues of disconnected connection

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having CA No. 151893417 to his live connections which does not pertain to his portion. Therefore he requested the Forum to direct the respondent company for immediate withdrawal of transferred dues.

Notices were issued to both the parties to appear before the Forum on 10.05.2022.

The respondent in their reply submitted that complainant is asking withdrawal of dues of rs. 32,291/- which were transferred proportionately from CA No. 151893417 (DX) disconnected connection registered in the name of Mr. Surender Kumar to CA no. 101404845 (NX) and CA No. 101301553 (DX) live connection both registered in the name of Ms. Gainda Devi. It is also submitted that complainant never applied for name change or fresh electricity connection. The complainant has no locus standi to file the case against the transfer of dues to the CA No. which is in the name of Ms. Gainda Devi i.e. the third person or previous owner.

The connection in the name of Mr. Surender Kumar was disconnected on 03.02.2021 on account of outstanding dues of Rs. 32,291/-. The said connection was providing electricity to first floor of property with same address i.e. F-43, Gali no. 13, Bhagirathi Vihar, Johripur.

During site visit on 15.03.2021 when subject premises were visited it was found that two live connections i.e. CA No. 101404845 and CA No. 101301553 were now providing electricity to subject premises by way of illegal extension.

Registered consumers were served with notice dated 18.03.2021 to remove illegal extension through speed post having barcode no. ED008325816IN and ED008325820IN and by way of these notice it was made clear that in case illegal extension was not stopped then in terms of Regulation 52 (3) of Supply Code 2017, the outstanding dues would be transferred to live connection.



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Respondent further added that premises were again visited on 08.04.2021 as illegal extension was not stopped the complainant was served with show cause notice through speed post. As no representation was received the outstanding dues of Rs. 32,291/- were transferred proportionately to the live connections on 05.07.2021 amounting to Rs. 16145.65 which were duly reflected for the first time in a bill dated August 2021 issued in the name of registered consumer. After transfer of dues complaint dated 12.08.2021 was received from brother of complainant i.e. the co-owner of the subject property. On his complaint premises were again inspected on 18.08.2021 and on re-inspection it was again found that outstanding dues pertained to subject premises and hence were correctly transferred.

The matter was listed for hearing on 10.05.2022, when counsel of the complainant was asked to file rejoinder.

The matter was again heard on 24.05.2022, when complainant failed to file rejoinder. Both the parties were directed to file their written submission.

The counsel of the complainant submitted their rejoinder refuting therein the contentions of the respondent as averred in their reply and reiterated his original complaint. They further submitted that Ms. Gainda Devi's property was given to her son Sh. Surender Kumar as the GPA dated 01.11.2011. Thereafter, Surender Kumar sell said property in 4 portions i.e. (a) 30 sq. meters, (b) 30 sq. meters, (c) 20 sq. meters and (d) 20 sq. meters and as per GPA dated 06.09.2018 and the aforesaid property is attached with two Gali i.e. from front side gali 10 sq. meters and the back side gali is 15 sq meters. It was also submitted that earlier there were three meters and two meters installed in the name of Gainda Devi vide CA No. 101404845 for non-domestic and CA No. 101301553 for domestic and one meter installed in the name of Sh. Surender



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Kumar vide CA No. 151893417 and all the meters are installed at the front side portion of the said property.

The matter was finally heard on 02.06.2022, when arguments of both the parties were heard and matter was reserved for orders.

The main issue in the present case is whether the dues are recoverable or not.

As held by Hon'ble High Court of Delhi in Izhar Ahmad & Anr has stated "the intent of such a Regulation is to ensure that electricity companies do not have to 'run around' to recover their dues and any person who applies for re-connection makes payment of fraudulent abstraction charges before grant of new connection or reconnection of the said premises."

As decided by Hon'ble High Court and Supreme Court in many cases that the electricity charges cannot be waived off as decided by High Court of Delhi on 02nd March 2009 in the matter of Izhar Ahmed Vs. BSES Rajdhani Power Limited which is narrated below:-

"The intent of such a regulation is to ensure that electricity companies do not have to run around to recover their dues and any person who applies for re-connection makes payment of all dues including surcharges and payment of fraudulent abstraction charges before grant of new connection or reconnection of said premises."

In view of the above, we are of considered opinion that the respondent has transferred the dues of all the occupants on pro-rata basis. So, the property is sub-divided by the son of Gainda Devi in 2018 to four through unregistered GPA. So, it seems that it has been consumed by all the present resident of the building.



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So we are of considered opinion,

1. that the complainant is liable to pay pro-rata amount of Rs.16145.65/-.
2. Respondent is further directed to waive off the LPSC charge if any and provide the installment facility if the complainant desire.

The case is disposed off as above.

No order as to the cost. Both the parties should be informed accordingly.
Proceedings closed.

[Signature]
(NISHAT AHMAD ALVI)
MEMBER (CRM)

[Signature]
(VINAY SINGH)
MEMBER (LAW)
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