

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. 163483704
Complaint No. 87/2023

In the matter of:

ImranComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mohd Iqbal Qureshi, A.R. of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Mr. Sanjeev Valecha, Ms. Shweta Chaudhary Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 01st June, 2023

Date of Order: 09th June, 2023

Order Pronounced By:- Mr. Nishat Ahmed Alvi, Member (CRM)

1. As per complaint, the complainant's grievance is for reconnection of electricity supply vide CA no. 152483704 installed at premises no. 11126 Edigah Road, Motia Khan, Delhi-55 but respondent rejected the application of the complainant for reconnection on pretext of dues of another person.

by R. Deeksh

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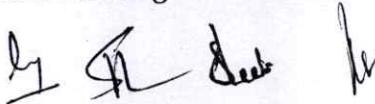
2. OP in its reply briefly submitted that the complainant is asking for restoration of electricity connection bearing no. 152483704. The said connection was energized on 14.03.2018 in the name of Mr. Imran for first floor of property bearing no. 11126, Motia Khan, Edgah Road, Paharganj, Delhi-110006.

OP further added that property bearing no. 11124-11127 is a big joint property. In year 2007 in respect of ground floor of joint property bearing no. 11124/27 one electricity connection bearing no. 100523461 was energized in the name of Mohd Iqbal, brother in law of RC of CA No. 15283704 and the present complaint is filed through said Mohd Iqbal.

Electricity connection bearing CA No. 100523461 was disconnected on account of outstanding dues of Rs. 1,94,854.36. Thereafter, on account of illegal extension the dues of disconnected connection were transferred to CA no. 152483704. OP further added that said connection is also disconnected on account of non-payment of outstanding dues of Rs. 2,26,370/-

The said dues were again transferred to another connection of Mr. Imran bearing CA No. 152946506 after following dues process of law and on account of non-payment of outstanding dues said connection was also disconnected on 12.11.2021. On complaint, site was visited and as per report dated 14.03.2022 property no. 11124 to 11127 is big katra type property. Mohd Imran is brother in law of Mohd Iqbal. Site of tea shop was also visited and it was found that domestic connection was energized on 04.05.2019 in the name of Mohd Sugan was installed at 11124-25 FF and CA No. 100416133 non-domestic connection energized on 24.10.1998 in name of Mohd Sugan was installed at 11124/138.

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3. A.R. of the complainant rebutted the contentions of OP as averred in their reply and submitted that it's a joint property in which there are five shops which were previously owned by his cousins and have now been sold to different users who have got their own commercial meters installed without making payment of previous dues in connivance with the officials of the respondent.
4. LR of the OP submitted that the dues which they have transferred to the connections of Mohd Imran pertain to Mohd Iqbal (the complainant). Mohd Imran is brother in law of the complainant, therefore, the dues are payable by Mohd Imran.
5. From the pleading of both the parties and material placed on record it is transpired that the property no. 11124 to 11127 is a joint property which is admitted by the complainant and OP also, therefore, the dues are payable by the complainant.
6. In BSES Rajdhani Power Limited Vs Saurashtra Color Tones Pvt. Ltd. & ors., 2006, Delhi Law Times page no. 213, stated as under:

Electricity is public property. Law in its majesty benignly protects public property and behoves everyone to respect public property. No doubt dishonest consumers cannot be allowed to play truant with the public property but inadequacy of the law can hardly be a substitute for overzealousness.

7. 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:-

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by G. Deka

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8. "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."

ORDER

The complaint is rejected. OP has rightly transferred the dues of CA No. 100523461 to connection of the complainant having CA No. 152483704 and liable to clear the said dues. OP is also directed to waive off entire LPSC on the outstanding dues and also provide complainant instalments, if desired by the complainant.

Case is disposed off as above.

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

Proceedings closed.

 (NISHAT A. ALVI)  (P.K. AGRAWAL)
MEMBER (CRM) MEMBER (LEGAL)

 (S.R. KHAN)
MEMBER (TECH.)

 (P.K. SINGH)
CHAIRMAN