



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 01/5/08NKS

C A No. 101246003
Complaint No. 122/2022

In the matter of:

Javed Anwar

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmed Alvi, Member (CRM)

Appearance:

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

ORDER

Date of Hearing: 29th September, 2022

Date of Order: 17th October, 2022

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

1. As per complaint, complainant's electricity connection was energized in the year 2010, in his premises bearing no. C-24/2, Gali no. 5, Khasra No. 209, Chauhan Bangar, Delhi vide CA no. 101246003. Since then he was regularly paying the electricity bills. Suddenly, in the year 2022, he received a bill for the month of February wherein dues of some other connection of adjacent premises were included. On enquiry from respondent officials told that the outstanding dues pertains of connection

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installed in adjacent premises no C-24/2-A, Gali no. 5, Khasra No. 209, Chauhan Bangar, Delhi, which was disconnected on 30.12.2014 on non-payment. Complainant has purchased only ground floor of said adjacent premises while three upper floors were purchased by other persons. It is also alleged that complainant has also paid Rs. 29,000/- to respondent against said outstanding dues on pro-rata basis on 25.08.2022. The entire upper floors got new connections only after the disconnection of subject supply in premises no. C-24/2-A, Gali No. 5, Khasra No. 209, Chauhan Bangar, Delhi. It is also alleged that one Liaqat Ali was in occupation of Ground Floor of said adjacent premises and was having electric connection vide CA No. 150958525 on ground floor which was supplying electricity in the entire property. Said Liaqat Ali is having two connections on different floors of disputed premises one in his name and other in his wife's name. While taking these two connections, Liaqat Ali gave cheque of Rs. 41,200/- on account of dues on the premise which was bounced.

2. Complainant has prayed for directions to the respondent for withdrawing the outstanding dues by respondent as the outstanding dues of disconnected connection are to be paid by all occupants.
3. On notice respondent by filing their reply denied the contents of the complaint as alleged, stating that it has rightly transferred the said dues on complainant's live connection contending that complainant had unauthorizedly extended supply of electricity from his live connection to the disconnected connection, in the adjacent premises. As per Proviso to Regulation 52 (3) of DERC (Supply Code and Performance Standards) Regulations 2017, respondent is authorized to transfer outstanding of disconnected connection on live connection from which electricity is being supplied unauthorizedly to disconnected connection. Besides the disconnected connection was installed on the Ground Floor only and

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occupants of upper floors of adjacent property were having their own connections and were not beneficiary of disconnected connection. Hence, only complainant is liable to pay the dues and the same can't be taken on pro-rata basis.

In support of their contentions both the parties filed their respective documents.

4. Heard both the parties and perused the record. So far as outstanding of dues on CA No. 150958525, there is no dispute. Real controversy between the parties is with respect to liability of complainant to pay the outstanding dues of one Naseem the registered consumer of premises no. C-24/2-A, Gali No. 5, Khasra No. 209, Chauhan Bangar, Delhi against his electricity connection vide CA No. 150958525 which were transferred on complainant's CA No. 101246003 installed in premises no. C-24/2. Gali No. 5, Khasra No. 209, Chauhan Bangar, Delhi, complainant show no grievance. ✓
5. Complainant states that as he being owner of only ground floor of premises concerned he is liable to pay only 1/4th of the outstanding dues. Rest is to be recovered from other occupants/owners of the upper three floors. The basis of his plea is that at the time of disconnection the subject connection was the only connection to supply electricity on all the floors while respondent states that other floor occupants have their own separate connections and they were not beneficiary of the subject connection of the Ground Floor of the premises.
6. To resolve this controversy we have gone through the bills issued to all the connection holders of premises no. C-24/2-A, Gali no. 5, Khasra No. 209, Chauhan Bangar, Delhi.
 - Previous bill in the name of Naseem Khan pertains the address as GF, C-24/2-A, Gali no. 5, Khasra No. 209, Chauhan Bangar, Delhi energized on 04.01.2014.

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- Bill of Ms. Mirzo, pertains the address as third floor C-24/2-A, Gali no. 5, Khasra No. 209, Chauhan Bangar, Delhi, energized on 22.04.2015.
- Bill of Mohd. Kaleem, pertains the address as first floor, C-24/2-A, Gali no. 5, Khasra No. 209, Chauhan Bangar, Delhi, energized on 26.09.2014.
- Bill in the name of complainant pertains address as GF, C-24/2-A, Gali no. 5, Khasra No. 209, Chauhan Bangar, Delhi energized on 30.09.2014.
- Bill in the name of Liaqat Ali shows only premises no. C-24/2-A, Gali no. 5, Khasra No. 209, Chauhan Bangar, Delhi, without showing any floor whatsoever. This connection was energized on 11.09.2014.

✓ 7. Observing the aforesaid information on the bill issued by respondent two things become clear is that in the year 2014, the outstanding became due in premises no. C-24/2-A, Gali no. 5, Khasra No. 209, Chauhan Bangar, Delhi was having ground to third floors. Secondly, all the connections including of Naseem Khan were energized in the year 2014 itself except of one Ms. Mirzo whose connection was energized in the year 2015.

✓ We find a bill in the name of said Naseem Khan issued on 30.12.2014 which shows arrears of Rs. 60,449.19/- on his ground floor connection of premises no. C-24/2-A, Gali no. 5, Khasra No. 209, Chauhan Bangar, Delhi, itself.

2. Thus complainant has failed to prove that connection vide CA no. 150958525 in the name of Naseem Khan was the only connection supplying energy on all the floors. Thus no other floor occupant can be held liable to pay the outstanding dues of ground floor connection of aforesaid CA no. and only registered consumer thereof Sh. Naseem Khan was liable to pay the entire dues outstanding.

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9. Now comes the question of complainant's liability to pay the aforesaid outstanding.

In this regard, admittedly complainant has become owner/occupant of ground floor portion of the subject premises, the outstanding dues are accruing on. Since the electricity dues runs along with the premises, he is as well liable to pay the entire outstanding alone. However, in the present scenario respondent has transferred the dues on the live connection of complainant installed in premises no. C-24/2, Gali no. 5, Khasra No. 209, Chauhan Bangar, Delhi vide CA No. 101246003. Reason of transfer being unauthorized extension of supply of electricity from live connection to disconnected connection. In support of its contention respondent has placed on record energy (a) bill issued in the name of Naseem Khan dated 30.12.2014, showing outstanding against his CA no. 150958525, (b) final bill of disconnected connection in his name payable latest by 08.12.2020 as well as (c) demand notice dated 08.12.2020 to complainant requiring to pay outstanding of Rs. 61,758/- for unauthorized receiving electricity with (d) supporting report of respondent's visit in the subject premises on 27.10.2020 and 24.12.2020, reporting no meter, no supply, receiving electricity from other meter vide no. 35532733.

Complainant placed no document on record to oppose or falsify the respondent's claim for transfer of dues. Even the demand notice aforesaid was neither denied nor replied to, even after giving an opportunity to convert the claim/notice.

We also find that even in the pleadings upto written submissions complainant nowhere denied the charge of unauthorized extension of electricity on the disconnected premises. Consequently respondent's version of unauthorized extension stands proved. With respect to respondent's right to transfer dues there is clear provision under

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Regulation 52 (3) (Proviso) of Supply Code 2017. Further, respondent is also well within its right to recover the outstanding dues without any bar of limitations as held by different High Courts and Supreme Court, in its judgments pronounced from time to time.

10. On the basis of above said findings, we are of considered view that respondent has rightly transferred the dues of CA No. 150958525 belonging to Naseem Khan, installed in premises no. C-24/2-A, Gali no. 5, Khasra No. 209, Chauhan Bangar, Delhi on live CA No. 101246003 belonging to complainant and installed in premises no. C-24/2, Gali no. 5, Khasra No. 209, Chauhan Bangar, Delhi. Hence, the complainant is liable to pay the same. However, as the complaint is only with regard to transferred dues we find ourselves unable to decide on energy charges of live connection.
11. Therefore, we hold complainant is liable to pay the transferred amount of Rs. 61,758.96 after deducting the amount charged against outstanding out of Rs. 29,000/- paid by complainant as well as LPSC levied thereon, further allowing complainant to pay the same in ten equal monthly instalments of the amount due, excluding the current dues for which respondent may proceed to recover as per Regulations concerned.

The case is disposed off as above.

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

Proceedings closed.

Alvi
(NISHAT AHMAD ALVI)
MEMBER (CRM)

17/10/22
(P K SINGH)
CHAIRMAN