

C A No. Applied for
Complaint No. 323/2023

In the matter of:

Madhu BalaComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Mr. R.S. Bisht & Ms. Chhavi Rani, On behalf of BYPL

ORDER

Date of Hearing: 30th November, 2023

Date of Order: 06th December, 2023

Order Pronounced By:- Mr. P.K. Agrawal, Member (Legal)

1. This complaint has been filed by Ms. Madhu Bala against BYPL-KRN.
2. The brief facts of the case giving rise to this grievance are that Ms. Madhu Bala is using electricity vide CA No. 100908146 at premises no. Plot no. 2, 3rd floor, Rani Garden, Shastri Nagar, Delhi-110031. She further stated that OP raised her bill of Rs. 7,91,210/- which is arbitrarily high and illegal and needs revision.

*for
Agrawal*

M. Deek S. [Signature] L. [Signature] J. [Signature]

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3. OP in its reply briefly stated that the complainant is seeking revision of bill amounting to Rs. 7,91,210/- in respect of CA no. 100908146 registered in the name of complainant installed at Plot no. 2, third floor, Rani Garden, Shastri Nagar, Delhi-110031. OP further added that the present complaint is prima facie liable to be rejected as the bill amount in respect of which revision is sought stands settled before Permanent Lok Adalat (PLA) vide its award dated 02.08.2023 bearing case no. PLA-II/10755/31.07.2023/Y.

OP further added that the complainant before approaching the PLA had filed a Writ Petition before the Hon'ble High Court of Delhi seeking setting aside of bill raised in June 2023 of Rs 5,77,488/- and stay against disconnection in terms of notice dated 09.06.2023. The Court vide order dated 03.07.2023 stayed disconnection subject to deposit of Rs 5 lakhs in two equal instalments. Further OP was directed to make an effort to settle the dispute. With respect to this, payment of Rs. 1,50,000/- and Rs. 1,00,000/- was made by the complainant on 16.07.2023 and thereafter the complainant approached the PLA for further settlement.

Giving the details of the bill OP stated that the said connection is registered in the name of Ms. Madhubala w/o Mahender Lal, the connection was energized on 24.11.2010 for domestic purpose on third floor. However, on 24.08.2018 upon request of the complainant the tariff category was changed from Domestic to Non-Domestic (LT). The sanctioned load was enhanced on 16.09.2021 from 1 KW to 11 KVAH. Accordingly, security deposit (SD) of Rs. 45,000/- and SLDC of Rs. 3540/- were charged as per the law. Complainant in discharge of part of her then liability issued two cheques of Rs 1,03,000/- and Rs. 90,000/- which were dishonored. The meter of the complainant got burnt repeatedly between the period of Jan 2021 to March 2023 as a result whereof there was no assessment/billing for approximately 396 days.

*For
Bharat*
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Secretary
CGRF (BYPL)

G. Bhat *S. S.* *4* 2 of 3

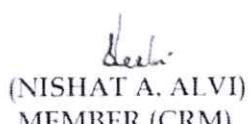
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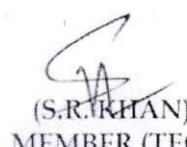
Assessment was done for non-billed period as per past consumption for 30535 units raising bill of Rs. 5,70,250/- . Besides this outstanding dues amounting to Rs. 1,55,405/- pertaining to CA no. 100908032 registered in the name of the complainant which was used on the second floor were transferred to subject connection which is registered for the third floor. Therefore, the bill of July 2023 the outstanding dues with respect to the said connection was of Rs. 7,91,210/- which was settled before PLA.

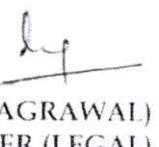
4. Complainant submitted his rebuttal refuting therein the contentions of the respondent as averred in their reply and reiterated his original complaint for bill revision.
5. As far as legal position is concerned, THE DELHI ELECTRICITY REGULATORY COMMISSION (Forum for Redressal of Grievances of the Consumers and Ombudsman) REGULATIONS, 2018, Sub-Regulation 13 (1) which is stated below:-

13. Limitation of Jurisdiction of the Forum (1) The Forum shall not entertain a grievance if it pertains to the same subject matter for which any proceedings before any court, authority or any other Forum is pending or a decree, award or a final order has already been passed by any competent court, authority or forum.
6. In view of the above mentioned Regulation since the bill of the complainant has already been settled before PLA, this forum has no jurisdiction to entertain the present case.
7. Therefore, the case is dismissed as not maintainable. File should be consigned to Record Room.


(H.S. SOHAL)
MEMBER


(NISHAT A. ALVI)
MEMBER (CRM)


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


(P.K. AGRAWAL)
MEMBER (LEGAL)

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CGRF (BYPL)