

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/CIN 01508NKS

C A No. 151106872
Complaint No. 592/2024

In the matter of:

Navneet RastogiComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. S.R. Khan, Member (Technical)
4. Mr. H.S. Sohal, (Member)

Appearance:

1. Mr. Imran Ul Haq Siddiqi, Counsel of the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 15th May, 2025

Date of Order: 20th May, 2025

Order Pronounced By:- Mr. S.R. Khan, Member (Technical)

1. The brief fact of the case giving rise to this grievance is that the complainant applied for "Name Change" of the CA No. 151106872 at premises no. E-49, Basement, Jawahar Park, Laxmi Nagar, Delhi-110092, vide request no. 8007179335. The application of complainant was rejected by Opposite Party (OP) BYPL on the pretext of Deficiency letter issued for TF, Bill pending, but complainant stated that his application for name change has been declined on false ground.

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CGRF (BYPL)

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2. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking name change of the existing connection at the property bearing no. E-49, Basement, Jawahar Park, Laxmi Nagar, Delhi-110092, vide request no. 8007179335. Respondent stated that the instant complaint is defective and bad in law as neither the connection regarding which the name change is sought has been mentioned nor the NOC of the existing owner or any title documents to establish the locus for seeking the name change. Thereafter, complainant needs to be pay the pending energy dues in share of his pro-rata share of Rs. 6,366/-

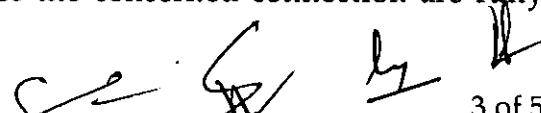
3. In response to the reply the complainant filed rejoinder. The complainant stated that the complainant has applied for name change of CA No. 151106872, from Chandrashekhar to Navneet Rastogi. Pending dues of CA No. 100946368 in the name of Rekha Pandey and asked for a pro rata share of Rs. 6366/-. However the pending bill does not pertain to the complainant's premises as the disconnected connection of Rekha Pandey having CA No. 100946368 was disconnected on dated 05.10.2023 and the connection of the complainant was installed in 2014, prior to the disconnection of the disconnected connection of Rekha Pandey. Hence, the complainant is not liable to pay any pro rata of this connection and has also submitted the documents of property as required by the OP. Further, in the matter of Meena Vs BYPL CG No. 446/2024, the Hon'ble CGRF held that "As per Regulation 17 (iii), it is clearly mentioned that all the recoverable dues in respect of the concerned connection are fully paid, hence the concerned connection is CA No. 151071567 against which the complainant has sought name change, therefore, the complainant is liable to clear the dues of his connection only, if any other dues as demanded by the OP are not payable by the complainant."

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4. During the course of argument, OP provided details of dues of disconnected connection having CA No. 100946368. Connection bearing CA No. 100946368 was a non-domestic connection, installed on dated 01.01.1990. Sanction load of this connection was 5 KW up to 12.07.2011 and from 13.07.2011 was 8 KW. Connection disconnected on dated 05.10.2023 on non-payment and final bill prepared on 28.11.2023. Bills are as per download readings. Last bill paid of Rs. 2750/- on 27.04.2023 up to reading dated 28.03.2023. Dues pending from 29.03.2023 to 28.11.2023 are as per reading. Total payable dues are Rs. 19,250/-.
5. Heard arguments of both the parties at length.
6. The main issue is whether the name change as applied by the complainant can be made effective when there are pending dues on other floor of the said building.
7. As far as legal position is confirmed according to DERC (Supply Code and Performance Standards) Regulations, 2017, Sub-Regulation 17
17. Existing connection:-
(1) Transfer of connection
(i) If any applicant wants transfer of connection due to any reason such as change of consumer's name due to change in ownership or occupancy of property, transfer to legal heir, etc. he shall apply to the Licensee in the prescribed format as notified in the Commission's Orders.
(ii) Any deficiency in the application shall be intimated in writing. The application shall be accepted only on removal of such deficiencies.
(iii) The request for transfer of connection shall not be accepted unless all recoverable dues in respect of the concerned connection are fully paid:

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Provided that once connection is transferred, no dues / arrears shall be recovered from the new consumer.

8. As per the above stated Regulation, it is clearly mentioned that all the recoverable dues in the respect of the concerned connection are fully paid by the complainant before name change. Here the concerned connection is CA No. 151106872, against which the complainant has sought name change and there are no pending dues against the said connection. The dues which OP is demanding from the complainant are of commercial connection and there are no dues pending against the connection for which the complainant has applied for name change. Therefore, the complainant is liable to clear the dues of this connection only if any. Other dues as demanded by OP are not payable by the complainant.
9. Accordingly, the complaint is allowed. The respondent should ask the complainant for payment of dues of his portion only.

ORDER

The complaint is allowed. OP is directed to the change the name of the complainant as per DERC Regulations 2017 and without asking for payment of dues of other premises, apart from the dues of his portion.

This Order shall be complied within 21 days of the receipt of the certified copy or from the date it is uploaded on the Website of the Forum; whichever is earlier.

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The parties are hereby informed that instant Order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order.

If the Order is not appealed against within the stipulated time, the same shall be deemed to have attained finally.

Any contravention of these Orders is punishable under Section 142 of the Electricity Act 2003.


(H.S. SOHAL)
MEMBER


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN

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