

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. Applied For
Complaint No. 385/2023

In the matter of:

Rajeev ChaddhaComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

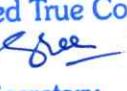
1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

Date of Hearing: 02nd January, 2024
Date of Order: 19th January, 2024

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

1. This complaint has been filed by Sh. Rajeev Chaddha, regarding transfer of dues to his live connection having CA No. 152429839 installed at property bearing no. 104, Private no. 3, Ground floor, Bada Bazar Market, Old Rajender Nagar, New Delhi. The transferred dues are of disconnected connection having CA No. 1000008905 in the name of Oriental Bank of Commerce.

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Secretary
CGRF (BYPL)



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The complainant also stated that the connection against CA No. 1000008905 was disconnected by MCD in direction of Monitoring Committee on 22.01.2018 upon the orders of Hon'ble Supreme Court of India. Though the connection against CA No. 1000008905 was disconnected by MCD, respondent company kept on charging fixed charges on it. He approached the respondent for waiver off the fixed charges amount from the bill but OP rejected his plea. Therefore, he approached this Forum for withdrawal of transferred dues.

2. The respondent in reply briefly stated that the complainant has challenged transfer of dues from CA no. 1000008905 (disconnected connection) to CA No. 152429839 (live connection) claiming that they both pertain to different properties. The complainant has placed on record letter dated 29.09.2020 claiming that the same was served to BSES and in the same letter complainant himself has admitted that Oriental Bank i.e. the registered consumer of the disconnected connection were his tenants and that he is ready to clear the dues of the disconnected connection subject to certain conditions.

Reply further stated that the fixed charges are charged in the present case from the date of disconnection of supply of disconnected connection till date of removal of meter. The supply was disconnected on 03.10.2018 due to non-payment of bills. The meter was removed and 26.02.2019 and sent to lab for testing. The complainant never approached respondent for disconnection of electricity supply.

As per DERCS order dated 24.09.2018 regarding disconnection or reconnection of supply of premises sealed by concerned Municipal Corporation; if the consumer wants to avoid payment of fixed charges, it shall be obligatory on the consumer to seek disconnection of supply. Distribution licensee is entitled to levy fixed charges up to the date of intimation, for permanent disconnection from consumer.

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3. Counsel of the complainant filed his rejoinder and rebutted the contentions of the respondent as averred in their reply and stated that addresses of both the premises are different, the address of the disconnected connection is Shop no. 104, basement, ground floor, first floor, Old Rajinder Nagar Delhi whereas the address of the complainant is property no. 104, private no. 3, ground floor, Bara Bazar Market, Old Rajinder Nagar, Delhi. He further stated that the property was sealed by MCD without any notice to him.
4. Arguments of both the parties were heard at length.
5. We have gone through the submissions made by both the parties. We observe that the shop no. 104, from basement till first floor was being used by Oriental Bank of Commerce and as per Complainant's letter to DGM(Business) dated 29.09.2020, Oriental Bank of Commerce was tenant of the complainant. After sealing of the premises by MCD as per orders of the Hon'ble Supreme Court of India, the complainant failed to inform the respondent regarding sealing of his premise and disconnection of the electricity connection thereof.
OP submitted details of the bill raised to the complainant. Last bill paid by the complainant was for Rs. 17,940/- on 27.02.2018 thereafter, no readings were recorded as the premise of the complainant was sealed. OP raised only fixed charges for the period April 2018 (date of sealing) till March 2019 (date of removal of meter).
6. The relevant Regulation applicable in this case is reproduced here. As per DERC order no. F.17(174)/DERC/Egg./17-18/5856 dated 24.09.2018 para 2 Disconnection or Reconnection of supply of premises sealed by concerned Municipal Corporation:

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(1) In case the premises is sealed by the concerned Municipal Corporation and consumer wants to avoid payment of fixed charges, it shall be obligatory on the consumer to inform the distribution licensee for permanent disconnection of supply. The distribution licensee may remove the service line and other equipment after disconnection of supply, whenever feasible.

7. The above stated orders of DERC as filed by OP along with their reply is of dated 24.09.2018 and the property of the complainant was sealed on 22.01.2018, therefore, this order of DERC is not applicable in the present matter as the property of the complainant was sealed way before this order, therefore, question of complainant informing OP does not arise here. We also observe that the meter was removed from site of the complainant on 26.02.2019 and was sent to lab for testing and the lab report dated 27.02.2019 states that the meter was found dead. No data was downloaded.

8. Therefore, DERC Regulations are only applicable in the present case. DERC (Supply Code and Performance Standards) Regulations 2017, Regulation 19 (6) During the period of temporary disconnection, the consumer shall be liable to pay the fixed charges to the Licensee.

{Explanation:- For the purpose of this Regulation, permanent disconnection shall mean, a case of Termination of agreement or where power supply to a consumer remains disconnected for a continuous period of more than 6 (six) months and the Licensee shall be entitled to remove the service line and other equipment of the Licensee from the premises of consumer.

Temporary disconnection shall mean when the premises of a consumer has been disconnected due to non-payment of bills of the Licensee upto a period of 6 (six) months and during period of Temporary Disconnection, the Licensee shall not remove its service line and other equipment upto a period of 6 (six) months}.

9. In view of the above, we are of considered opinion at the time of sealing of the property, the electricity supply was also disconnected, though OP has neither removed the meter from site nor placed any substantial proof to prove their contention that meter was in use, therefore, the complainant cannot be made liable to pay the fixed charges dues for a period of 13 months, moreover, the meter was also found dead, no data could be retrieved from the meter.

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10. Therefore, we direct the respondent to revise the bill of the complainant considering the date of sealing of the premises of the complainant as date of disconnection i.e. 22.01.2018 and also direct OP to revise the bill of the complainant by charging fixed charges as per above stated Sub-Regulation 19 of DERG Regulations 2017.

ORDER

The complaint is allowed. OP is directed to revise the bill of the complainant by charging him fixed charges for a period of six months only. OP is further directed to waive off entire LPSC on the revised bill amount.

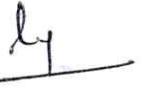
OP should file the compliance report within 21 days from the date of this order.

The case is disposed off as above.

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


(P K SINGH)
CHAIRMAN


(S.R. KHAN)
MEMBER-TECH


(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM

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Secretary
CGRF (BYPL)


(H.S. SOHAL)
MEMBER