

**C A No. Applied for**  
**Complaint No. 403/2024**

**In the matter of:**

Rajender Kumar .....Complainant

**VERSUS**

BSES Yamuna Power Limited .....Respondent

**Quorum:**

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

**Appearance:**

1. Mr. Rajinder Kumar, Complainant
2. Mr. Akash Swami, Mr. R.S. Bisht, Ms. Meenakshi, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

**ORDER**

Date of Hearing: 10<sup>th</sup> December, 2024

Date of Order: 16<sup>th</sup> December, 2024

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

1. The brief facts of the case giving rise to this grievance are that the complainant requested this Forum for rectification of his electricity bill. It is further his submission that he is using electricity supply through CA no. 150644902 installed at his premises no. 21/262, GF, Kalyan Puri, Delhi-110091 and OP illegally transferred dues of CA no. 153817537 (disconnected connection) in the name of Jitendra, who is residing at the second floor of the same premises. Therefore, he requested this Forum for removal of transferred dues.

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2. The respondent in reply briefly stated that the present complaint has been filed by the complainant seeking removal of dues of CA no. 153817537 to his connection having C A No. 150644902. OP further submitted that the complainant Rajender Kumar is having CA no. 150644902 installed at his premises no. 21/262, GF, Kalyan Puri, Delhi-110091, in capacity of owner of the premises.

Reply further states that the dues of disconnected connection having C A no. 153817537 is in the name of Jitendra and since the premises and the ownership are same and Jitendra who did not pay his dues despite enjoying electricity, therefore, the dues were transferred to the complainant as the complainant himself in his complaint has admitted that he is the owner of the premises.

3. In response to the reply, the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that he got the pre-paid meter installed at the second floor in the name of Jitendra, which was not working properly. Despite repeated visits to the office of OP for payment of bill but all went in vain. In 2022, OP got the meter replaced by saying that the installed meter is faulty and now OP has transferred the dues of connection of Jitendra to his live connection, whereas Jitendra is still residing in his portion.

4. Heard arguments of both the parties.

5. From the narration of facts and material placed before us, we find that the complainant has approached this Forum for removal of illegal transfer of dues from his live connection. The connection in the name of Jitendra is installed at the second floor of premises no. 21/262, second floor, Kalyan Puri, Delhi-110091.

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Forum also noted that the complainant applied for prepaid meter which should be automatically disconnected upon exhaustion of the recharged amount. But there is a failure in the BSES system and the pre-paid meters do not cut off its own even after recharge amount is over.

Since the dues are of Jitendra, and he is still residing in the applied portion, therefore, OP should recover the dues from him only.

OP along with its reply has raised the issue of tenancy of the complainant and stated that the complainant's are the actual owners of the premises in question. In this regard, documents reveal that Jitendra is lawful occupier of the premises and the problem is caused by non-functioning of the pre-paid meters like the pre-paid connections in telecom sector. OP can't transfer the dues of Jitendra to Rajender, simply on the basis that both are brothers. Transfer of dues has to be justified as per legal provision which OP has failed.


6. In view of the above, we are of considered opinion that OP is at fault by not taking the corrective measures to install a prepaid meter at the premise of the complainant. OP should recover the dues of Jitendra from him only as he is currently residing in the same premises.


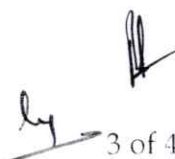
ORDER

The complaint is allowed. OP is directed to revise the bill of the complainant by removing the transferred amount from the bill of the complainant.

Complainant may pay this revised bill in five equal monthly instalments along with regular/current monthly bills.

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OP is further directed to take corrective measures to install pre-paid meters at the premises of the complainant.


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 the instant Order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order.

If the Orders are not appealed against within the stipulated time or no interim stay thereon has been granted by the Ombudsman, the same shall be deemed to have attained finality.

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

  
(P.K. AGRAWAL)  
MEMBER (LEGAL)

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

  
(P.K. SINGH)  
CHAIRMAN

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