

C A No. Applied for
Complaint No. 408/2023

In the matter of:

Ram ShaktiComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmed 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. Imran Siddiqui, Counsel of the complainant
2. Ms. Ritu Gupta & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

Date of Hearing: 30th January, 2024
Date of Order: 15th February, 2024

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

1. By way of present complaint, the complainant applied for new electricity connection vide request no. 8006484181 at premises no. 9/40, GF, Bazar Gali, Vishwas Nagar, Shahdara, Delhi-110032 which was rejected by OP without mentioning any reason. Later, upon enquiry from office of OP, they informed that there are certain dues which need to be cleared before release of new connection.

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2. On notice OP by filing its reply stated that the complainant is seeking a new connection for non-domestic purpose with respect to the ground floor of the property bearing no. 9/40, Bazar Gali, Vishwas Nagar, Shahdara, Delhi vide request no. 8006484181. The site of the complainant was visited and it was found that on the said premises dues are outstanding against the electricity connection bearing CA No. 100692763 in the name of Suraj Prakash who is brother of the complainant as apparent from will dated 08.02.2021 filed by the complainant himself. The said connection was disconnected on outstanding amount of Rs. 1,76,650/-.

Reply further stated that as per the site visit report and on verification of the dues it stands confirmed that outstanding dues pertains to premises of applicant only. The bill was revised as per the SAP record it was found that abnormal consumption was recorded for the bill period 01.07.2002 to 15.12.2005. Accordingly, the bill was revised by ignoring abnormal consumption and by taking into account the correct reading w.e.f. 07.08.1999 ((10620 reading) to 15.12.2005 (19143 reading). Billing during erstwhile DVB period i.e. period upto 30.06.2002 is ignored as per rule and consumer is charged on pro-rata basis for balance i.e. from 01st July 2002 to 15.12.2005 for 4638 units amounting to Rs. 24,594.38/-.

In terms of DERC (Supply Code and Performance Standards) Regulations 2017, no new connection can be granted till the outstanding dues are cleared.

3. In rejoinder to this reply, complainant stated that respondent in the past has not issued notice of these pending dues and now when the complainant has applied for new connection, the respondent has raised bogus dues pending on the premises of the complainant. He further submitted that earlier OP raised him bill of Rs. 1,76,650/- and after approaching CGRF, OP has revised bill of the complainant and issued him a new bill of Rs. 24,594.38/-.

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Rejoinder further stated that OP has ignored the reading 38410 punched in their system on dated 06.04.2004 and consider reading 19143 on 13.10.2004 which is also fake reading. Therefore, this amount should be waived off as illegal demand and OP should release the connection to the complainant.

4. Heard and perused the record.
5. Material questions for determination of the complaint is - can the reading as provided by OP for reaching amount of Rs. 24,574.30/- is as actually/correctly shown in the meter or on its own.

Regarding this question, perusal of para-4 of reply filed by OP shows that as per SAP record abnormal consumption was found recorded for the bill period from 01.07.2002 to 15.12.2002, hence bill was revised (by excluding billing during erstwhile DVB period upto 30.06.2002) after considering reading as 4638 units for balance period from 01.07.2002 to 15.12.2005, to be of Rs. 24,594.38/-. As per this reply OP confirms that the reading recorded in the meter was abnormal. Hence, bill of Rs. 1,76,650/- was not correct and the same was revised to the amount of Rs. 24,574.38/-. This revision is shown based on the reading of 4638 unit. In support, of this alleged actual/correct reading, OP has placed on record copies of two documents namely bill calculator and consumer details, of the subject connection. On the other side complainant has also filed the said documents with an additional documents namely reading details, for the above consumer, as prepared by OP. As per bill calculator reading on 01.07.2002 was 14505 and current reading on 15.12.2005 was 19143. Therefore, consumption during this period comes to 4638 units.

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Secretary
CCRF (BYPL)

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6. Perusal of consumer detail document shows no entry of any such reading of 14505~~5~~ aforesaid. Not only this reply of OP too does not show how it reached to this figure, only version in reply is that it comes after excluding DVB period reading. But what is the source of this reading, is not explained by the OP. If we compare this document with other document of OP by the name Reading details of above consumer, filed by complainant, we find that on 06.06.2002 and 05.08.2002 reading is NIL while consumption is shown 0 and bill is Provisional. Similarly this reading detail shows that on 15.12.2005, there is no reading. However it shows 994 KWH as consumption. It further shows that this consumption is based on average consumption. Thus, there is contradiction of reading in OP's two documents itself i.e. one is showing a reading of 19143 and the other Zero. Consumer detail document show that this entry of reading of 19143 is continuously being shown since 13.10.2004 till December 2005 with remark SLMT. If there was no supply line and meter wherefrom this reading was recorded by the OP.
7. On the basis of above findings, as per OP's own version bill of Rs. 1,76,650/- as shown outstanding against disconnected CA No. 100692763 is no more an outstanding. Regarding revised bill of Rs. 24,574.38/- Op has failed to establish as to what was the actual/correct reading which the subject meter showed at the time of disconnection. OP has also failed to prove that reading of 19143 claimed by OP as shown in the subject meter on 15.12.2005 is the actual reading. Consequently OP's theory of consumption of 4638 units also goes. Even otherwise though there is no limitation period, for the OP, to recover the outstanding dues, but OP has miserably failed to show any action/proceeding to recover the outstanding if any since 2005 till 2023. This fact also supports complainant's contention of no outstanding.

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8. In the facts and circumstances as aforesaid, in our considered view OP has wrongly cancelled the order no. 8006484181, being unjustified. Hence, there being no outstanding due in a sum of Rs. 24,574.30 against disconnected connection vide CA no. 100692763, the complainant is not liable to pay the same.

ORDER

Complaint is allowed with the directions to the OP to release the connection applied for, by complainant, vide order no. 8006484181, in premises no. 9/40, GF, Bazar Gali, Vishwas Nagar, Shahdara, Delhi-110032 in the name of complainant.

OP is further directed to file compliance report within 21 days from the date of this order.

Complaint is disposed off as above.

No order as to cost. File be consigned to record room.

(P K SINGH)
CHAIRMAN

(S.R. KHAN)
MEMBER-TECH

(P.K.AGRAWAL)
MEMBER-LEGAL

(NISHAT AHMAD ALVI)
MEMBER-CRM

Attested True Copy

Secretary
CCRF (BYPL)

(H.S. SOHAL)
MEMBER

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