



C A No. 153759238, 153759235 & 153759236
Complaint No. 240/2024

In the matter of:

Reena & Aditya GoswamiComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Anil Kumar Vohra, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Ms. Chhavi Rani, Mr. Lalit & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 02nd January, 2025

Date of Order: 08th January, 2025

Order Pronounced By:- Mr. H.S. Sohal, Member

1. The brief facts of the case giving rise to this grievance are that complainants are user of electricity connections having CA no. 153759238, 153759235 and 153759236 installed at their premises no. H-49/2, B/3, 3rd floor back side and fourth floor back side, Jwala Nagar, Maharathi colony, Shahdara, Delhi-110032. It is also their case that the new connections in their name were installed in April 2022 and since they are regularly paying electricity bills but suddenly in the bill month of September 2023 they received a notice stating that arrears amounting to Rs. 1,60,490/-are transferred to each connection.

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2. The respondent in reply briefly stated that the present complaint is regarding transfer of electricity dues of one disconnected connection registered in the name of Sh. Rakesh Kumar Gupta to nine live electricity connections including that of complainants. The disconnected connection having C A no. 100000095 was installed at premises bearing no. 507, GF, Maharathi Colony, Ram Lila Ground, Jwala Nagar, Delhi-110032 and as the new connections in the same property were granted with different address i.e. 49/2 as such the total outstanding dues of Rs. 13,56,008/- of disconnected connection could not be claimed at the time of release of new connections.

Reply further states that the outstanding dues are of year 2008 and from perusal of K.No. File, it is clear that earlier the subject property there was one industrial unit, outstanding dues whereof is now claimed from subsequent owners. The said property was reconstructed and is now primarily a residential property having various residential floors having nine electricity connections and dues are transferred to each connection on pro-rata basis.

3. Counsel for the complainant rebutted the contentions of the respondent was averred in their reply and submitted that current address of the complainant's property is 49/2, b/3, third floor and fourth floor, back side, Jwala Nagar, Maharathi Colony, Shahdara, Delhi-110032 and the disconnected connection was installed at premises no. 507, GF, Maharathi Colony, Ram Lila Ground, Jwala Nagar, Delhi-110032.

Rejoinder further added that the outstanding dues are of year 2008 and respondent cannot claim it in the year 2023 from the complainant. The respondent's claim is barred by limitation. As per Section 56 (2) of the electricity Act 2003, no sum due from any consumer shall be recoverable after the period of two years from the date when such sum became first due.

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4. During the course of arguments, it was revealed that apart from these three connections of the complainants OP has transferred dues of six more electricity connections installed at the same premises. From the said six connections, four electricity connections in the name of Suman, Manoj Nagpal, Komal Rajput and Lokesh have already approached this Forum in the matter of Suman & Others vide C.G. No. 361/2023.

Forum vide its order dated 11.06.2024 has directed to OP to withdraw the dues of Rs. 13,56,008/- transferred on live connection vide CA No. 153771033, CA no. 150903351, CA no. 153213077 and CA no. 152640143 of Ms. Komal Rajpur, Irfan Khan/Suman, Manoj Nagpal/Pushpa and Lokesh, respectively, the consumers at pro-rata basis and correct/revise the bills accordingly.


Therefore, earlier order of the Forum prevails in this matter also. OP is directed to withdraw the dues transferred on pro-rata basis on the connections of Reena Goswami and Aditya Goswami, the complainants.


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.

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)


(P.K.SINGH)
CHAIRMAN

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Secretary
CGRE (BYPL.)