

C A No. 100010959
Complaint No. 464/2025

In the matter of:

Sailesh SarafComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Ms. Vandana Malik, Counsel for the complainant
2. Mr. Harshit Bhasin, Mr. R.S. Bisht, Mr. Mukesh Kumar, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 09th April, 2026

Date of Order: 13th April, 2026

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

1. The brief facts of the grievance are that the complainant applied for Billing Issue against CA no. 100010959 at premises no. 4/1, Anand Parbat, Industrial Area, Rohtak Road, Delhi-110054.

The complainant also stated that the BSES has issued a disputed Enforcement Bill that date back 15 years (2008 and 2010) and charges were suddenly added in the recent bill.

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2. The respondent in its reply against the complaint of the complainant submitted that the complainant is allegedly aggrieved by the fact that his Electricity Connection with CA No. 100010959 at premises bearing No. 4/1, Anand Parbat industrial Area, Rohtak Road, Delhi-110054, has been issued with addition of enforcement bill for an amount of Rs. 66,044/-.

Reply further submitted that the consumer is already prosecuting a similar relief before Hon'ble PLA vide case No. PLA-II//7892/2025/Y and the said case is still pending before Hon'ble PLA and is fixed for 30-01-2026.

It is also stated that the transferred two bills pertaining to two assessments u/s 126 of the Electricity Act 2003 in the regular bills of the complainant as he had failed to pay the same. It is further submitted that the present proceedings are also barred by provisions of the Section 145 of the Electricity Act as the remedy available to the complainant was to file Appeals u/s 127 of the Electricity Act and the assessment bills u/s 126 are also barred by provisions of Rules/Regulations framed by DERC for this Forum.


It is further stated that the respondent has transferred two bills pertaining to two assessments U/S 126 of the Electricity Act in the regular bills which he had failed to pay. That since the complainant has failed to pay the two assessment bills for an amount of Rs. 36,622.22/- and Rs. 29,424.78/-, the Respondent has asked the complainant to clear all the outstanding dues.

3. The complainant in its rejoinder refuted the contents stated in the reply of the respondent. It is stated that the complainant has never defaulted in payment of regular monthly electricity bills. That the present dispute relates to an enforcement/ assessment demand component of about Rs. 66,050/-, now loaded in the bill for November 2025, allegedly arising out of assessment orders said to have been passed around 2007-10.

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It is further submitted that no assessment order, speaking order or separate demand notice in respect of these old assessments was ever duly served upon the complainant, nor were these amounts clearly shown as a distinct, outstanding liability in the regular bills in any manner that would have enabled the complainant to know of, verify or challenge the same.

The complainant does not possess such old records and cannot prove whether these amounts were in fact already recovered earlier through past bills or adjustments. It is further stated that the two assessment amounts of approximately Rs. 36,622.22/- and Rs. 29,424.78/- have already been paid by the complainant. That the respondent cannot enforce such claims after 15-18 years by suddenly adding them into a current bill and threat for disconnection. That there is no finding of theft or any deliberate misconduct on the part of the complainant.

It is further stated that since 2021, the complainant has been repeatedly pursuing the name-change request and has complied with every documentary requirement raised by respondent, yet the request has not been completed. That during these follow-ups, the O.P first demanded old dues in respect of CA No.100033849; though that demand was also very old, it related to an identified old bill and the complainant paid it without demur. The O.P then sought to recover alleged dues for CA No. 100655185, which did not belong to the complainant and the respondent dropped this demand. That in this background, fastening an additional amount of Rs. 66,050/- through the November 2025 bill, on the basis of assessments said to be 15-18 years old, appears arbitrary, coercive and directly linked to the complainant's pursuit of a legitimate name-change request.

4. Arguments of both the parties were heard.



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5. The present complaint has been filed by the complainant alleging wrongful addition of an amount of ₹66,044/- in the electricity bill for CA No. 100010959, pertaining to premises at 4/1, Anand Parbat Industrial Area, Rohtak Road, Delhi. The said amount is stated to relate to two assessment/enforcement bills allegedly raised under Section 126 of the Electricity Act, 2003, for the period 2007-2010, which have been transferred to the current bill upon alleged non-payment.

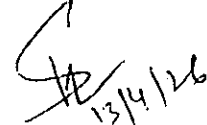
- Upon consideration of the pleadings and submissions of both parties, this Forum observes that the impugned demand admittedly arises out of assessment proceedings under Section 126 of the Electricity Act, 2003. The Electricity Act provides a specific statutory remedy under Section 127 by way of appeal against such assessment. Further, Section 145 of the Electricity Act expressly bars the jurisdiction of civil courts and other authorities in respect of matters arising from such assessments. A similar matter between the parties is already stated to be pending before the Hon'ble Permanent Lok Adalat.


ORDER

Accordingly, the complaint is disposed of with the following directions: The complainant is at liberty to approach the appropriate forum/court, including the appellate authority under Section 127 of the Electricity Act, 2003 or any other competent court of law, in accordance with law.

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.


13/4/26
(S.R. KHAN)
MEMBER (TECH.)


13/4/26
(P.K. AGRAWAL)
MEMBER (LEGAL)

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