



C A No. 150271101
Complaint No. 70/2024

In the matter of:

Sher SinghComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Sher Singh, Complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Mr. S.P. Anand & Ms. Chhavi Rani, on behalf of respondent.

ORDER

Date of Hearing: 21st May, 2024
Date of Order: 07th June, 2024

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

1. The complaint has been filed by Sher Singh against BYPL-Krishna Nagar. The brief facts of the case giving rise to this grievance are that complainant is using electricity through CA No. 150271101 installed at his premises no. E-86, GF, South Anarkali, Delhi-110051. The complainant further stated that in the year 2011, he purchased a 'L' shape shop from Parveen Khurana and since then he is regularly paying electricity bills against CA No. 150271101 as and when raised by OP.

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Secretary
CGRF (BYPL)

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Suddenly bill for the month of October 2023, he received, was for an amount of Rs. 29135/-. He further stated that there is another shop in the same premise which was purchased by one Seema Tandon and she got a new electricity meter installed at her premise without taking NOC of the previous installed connection. Therefore, said dues should not be recovered from him.

2. OP in its reply briefly stated that the complainant is seeking withdrawal of transferred dues amounting to Rs. 29,135/-. The said amount is outstanding amount of a disconnected connection bearing CA no. 100834792 which was disconnected on 17.11.2014 and total outstanding dues were transferred to live connections bearing CA no. 150271101 and 150523644 installed at E-86, South Anarkali, Krishna Nagar, Delhi 51 on pro-rata basis.

Reply further stated that CA no. 100834792 in the name of Reshma was disconnected on 17.11.2014 and the connections of Parveen Khurana and Seema Tandon were installed in the year 2011 and 2012 respectively. Both these connections are also installed at E-86, GF, South Anarkali, i.e. the same premise where connection of Reshma was installed.

3. Arguments of both the parties are heard at length.
4. From the narration of the facts and material placed before us we find that OP has not placed on record any details regarding the disconnected bill of Ms. Rashma. The said connection was energized in the year 1999 under non-domestic category for a load of 1 KW. As per OP said connection was disconnected in the year 2014 at outstanding amounting Rs. 58606/-. The said dues were transferred to live connections installed at ground floor of said premise after a gap of almost ten years.

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5. Now the question arises, are the dues recoverable from the complainant after such a long time? In this regard, various Hon'ble Courts have given judgment regarding recovery of dues, same are narrated below:

As held by Hon'ble High Court of Delhi in Izhar Ahmad & Anr has stated "the intent of such a Regulation is to ensure that electricity companies do not have to 'run around' to recover their dues and any person who applies for re-connection makes payment of fraudulent abstraction charges before grant of new connection or reconnection of the said premises."

As decided by Hon'ble High Court and Supreme Court in many cases that the electricity charges cannot be waived off as decided by High Court of Delhi on 02nd March 2009 in the matter of Izhar Ahmed Vs. BSES Rajdhani Power Limited which is narrated below:-

"The intent of such a regulation is to ensure that electricity companies do not have to run around to recover their dues and any person who applies for re-connection makes payment of all dues including surcharges and payment of fraudulent abstraction charges before grant of new connection or re-connection of said premises."

6. During the course of arguments, OP stated that they have transferred the dues on two live connections one in the name of Parveen Khurana and other in the name of Seema Tandon and the connection in the name of Seema Tandon has made the payment of the transferred dues also.
7. In view of above we are of considered opinion that the dues are payable by the complainant. Since it is unwanted burden of erstwhile connection of Ms. Rashma to the present connection holders, therefore, to facilitate the complainant OP should revise the bill of the complainant considering all the actual facts available with them.



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ORDER

The complaint is partially allowed with the direction to OP to revise the bill of the complainant by taking disconnection date as last reading date and waiving off entire LPSC amount levied thereon. OP is further directed to allow complainant easy installments alongwith current charges.

OP is further directed to file 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.


(P.K. AGRAWAL)
MEMBER (LEGAL)


(S.R. KHAN) 07/6/24
MEMBER (TECH.)


(P.K. SINGH)
CHAIRMAN

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