

C A No. 152815033, 152831970, 152950246  
Complaint No. 440/2024

In the matter of:

Veer Pal Singh & Others

.....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)
4. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Imran Ul Haq Siddiqi, Counsel of the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht, Mr. Manoj Verma, Ms. Chhavi Rani & Mr. Akshat Aggarwal on behalf of respondent

ORDER

Date of Hearing: 3<sup>rd</sup> April, 2025

Date of Order: 08<sup>th</sup> April, 2025

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

1. The brief facts of the case giving rise to this grievance are that the complainant applied for withdrawal of dues transferred against CA No. 152815033, 152831970 & 152950246 installed at premises no. C-134, Kh. No. 11, Gali No.-4, New Usmanpur, Delhi-110053. Complainant alleged that respondent has transferred wrong dues on three connections mentioned above and same need to be removed along with LPSC.

Attested True Copy

Secretary  
CGRF (BYPL)

Complaint No. 440/2024

Complainant also stated that case filed previously in PLA stands withdrawn. Therefore, he requested the Forum to direct the respondent to withdraw these dues transferred on above mentioned CA Nos.

2. The respondent in reply briefly stated that the present complaint has been filed by three complainants namely Sh. Veer Pal Singh, Smt. Mamta and Sh. Kapil in respect of three connections registered in the name of Sh. Veer Pal Singh, Smt. Mamta and Pawan Kumar. Thus complainant Kapil is not the registered consumer of OP. Complainants Veer Pal Singh and Mamta were granted new connections in year 2019 on the basis of GPA executed by Sh. Pawan Kumar. Complainants are seeking withdrawal of outstanding amount of Rs. 89,491/- of CA No. 103769779 which stands transferred to three live connections installed at property bearing house no. C-134, Khasra No. 11, Gali No.-4, New Usmanpur, Delhi. Respondent further submitted that the outstanding amount of disconnected connection bearing CA No. 103769779 registered in the name of Vinesh Kumar Saini (brother of Pawan Kumar Saini) were transferred to the three live connections details whereof are as below:

S.No.	CA No.	R/C	Address
1.	152831970	Veer Pal Singh	C-134, S/F
2.	152950246	Pawan Kumar	C-134, F/F
3.	152815033	Mamta	C-134, F/F

Attested True Copy

Secretary  
CGRF (BYPL)

2 of 10

Complaint No. 440/2024

The dues of CA No. 103769779 were transferred to all 3 connections equally on 22.04.2025. On 28.02.2024, the site was visited and it was found that the portion wherein the disconnected meter was installed was now found to be electrified through the three live connections. Accordingly, show cause notices dated 21.03.2024 were issued through speed post whereby registered consumer of live connections were given ten days time to make representation and appear for personal hearing on or before 08.04.2024. In spite of service of notice, as there was no response, after studying the case dues were transferred to three live connections proportionately.

Reply further added that as per the property papers, complainants had purchased subject property from Pawan Kumar Saini S/o Sh. R.S. Saini. As per the bill of disconnected connection, the same is in the name of Vinesh Kumar Saini who is S/o Sh. R.S. Saini. Thus, it is apparent that complainants purchased property from brother of registered consumer of disconnected connection. As per OP complainants are liable to pay the transferred dues under Regulation 52 (3) of the DERC (Supply Code and Performance Standards) Regulations 2017.

3. In rejoinder to the reply the complainant challenged that outstanding dues as claimed by the OP, stating that a connection bearing CA No. 103769779 in the name of Sh. Vinesh Kumar Saini was installed in the said premises, which was disconnected on 23.12.2017. On dated 28.02.2024 the subject premises were inspected and it was found that in place of disconnected connection which was not found at site, 3 meters found existing at site.

Attested True Copy

Secretary  
CGRF (BYPL)

3 of 10

Complaint No. 440/2024

Rejoinder further added that OP claims that dues are transferred as per DERC Regulation 52 (3) on existing three connections which is wrong because this Regulation is related only to the live connections of the consumers who after disconnection of a connection, starts supplying energy to the disconnected connection, those live connections generally happens to be of other consumers, to supply energy to disconnected connection, by way of illegal extension. The OP failed to disclose the fact that the three connections of the complainants pertains to two separate buildings. Secondly, as per general conditions of Supply and Regulations 10 & 11 of DERC Regulations 2017 deal with new connections. Sub-Regulations 5 of Regulation 10 specifically states that new connection shall be given only after outstanding dues of the premises are duly paid.

Further Regulation 11 (1) (4) & (5) are also relevant. Thus, as per aforesaid regulations the outstanding dues are must to be cleared prior to grant to the new connection, in the present case the OP has released the new connections to the complainant in the year 2019 and now in the year 2024, OP has transferred due on their connections illegally, for which as per law they are not allowed to do so. The OP, in support of their claim of outstanding dues has not filed any documents of disconnected connection i.e. calculation details, meter installation details as to when the said connection was installed or consumer reading pattern/details etc. And also conceal the fact that previously in year, CA No. 100061332 (which was disconnected in year 2008), on the connection of Sh. Vinesh Kumar, whose dues are not transferred on the present three connections. Further, the alleged illegal dues transferred on the live connection of the complainant is also hit by limitation under Section 56 (2) of Electricity Act and the

Complaint No. 440/2024

disconnected connection of Sh. Vinesh Kumar was disconnected on 23.12.2017 and new connection to the complainants were granted in May 2019 and the dues on this connections were transferred illegally by the OP only in year 2024, which is barred by limitation.

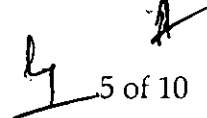
Rejoinder further added that the OP apart from copy of bill of disconnected connection bearing CA 103769779 has not even able to tell that when this disconnected connection was installed in the said premises which was allegedly installed on the first floor of the premises and no previous details of this dues has been provided by the OP. Complainant stated that copy of pro-rata deposited at the time released of new connection of complainants.

4. During the course of hearing, OP filed written submission stating that the issue of transfer of outstanding dues of Rs. 89,491/- pertaining to one disconnected connection bearing CA No. 103769779 registered in the name of Vinesh Kumar Saini, previously installed at subject property. After following the due process, the outstanding dues of Rs. 72,076/- were transferred on 22.04.2024 to the three electricity connections. The two predominant contentions raised by the complainant one is no relation of complainants with RC of disconnected connection and second is pro-rata outstanding dues Rs. 5,805/- paid at the time of released of three connections subject matter of present complaint.

As per property documents of Veer Pal, he purchased property from Pawan Kumar Saini having Adhar No. 6850 5557 3792 who in turn had purchased property from his brother Vinesh Kumar Saini S/o RS Saini i.e. RC of disconnected connection. As per Adhar Card of Pawan

Attested True Copy

Secretary  
CGRF (BYPL)



5 of 10

Complaint No. 440/2024

Kumar Saini, his father's name Raghbir Singh Saini which as per his Pan Card is Raghbir Singh Saini. Thus, Pawan Kumar as mentioned in property chain of Veer Pal's ownership document as well as that Pawan Kumar himself is same person having same Aadhar Card who is son of Raghbir Saini or to say RS Saini. As per K. No. file of disconnected connection, the plot area as mentioned therein and in property chain of Veer Pal is same i.e. 40 square yards. As per complainant, he has paid pro-rata dues at the time of release of subject three connections in May and November 2019 then he is admitting that dues of disconnected connection pertain to his premises only and hence he cannot object to transfer of dues. As per portion of system generated statement of Vinesh Kumar Saini as placed on record with rejoinder it is apparent that three payments of Rs. 5,805/- were received on 18.03.2019, 27.05.2019 and 05.09.2019. There is nothing on record to even suggest that said payment was received from complainants. From the dues transferred file placed on record by OP, transferred amount is Rs. 72,076/- i.e.  $Rs. 89,491 - (5,805 \times 3) = 72,076/-$ . Thus, what is transferred is balance amount which proves that amount of Rs. 5,805/- was paid as part payment and not as pro-rata of outstanding amount. OP filed complete statement of account of disconnected connection.

5. From the narration of facts and material placed before us we find that if we go through the Regulations concerned Regulations 10 & 11 of DERC (Supply Code and Performance Standards) Regulations 2017 deal with new connections. Sub-Regulations 5 of Regulations 10 specifically states that new connection shall be given only after outstanding dues of the premises are duly paid.

Attested True Copy

Secretary  
CGRF (BYPL)

Complaint No. 440/2024

6. Further regulations 11 (1) (iv) & (v) are also relevant which stipulates as under:

11. New Electricity Connection:-

- (iv) The Licensee shall indicate all the deficiencies in the application form to the applicant in one go only and shall not raise any new deficiency subsequently.

(v) In case the Licensee fails to intimate the applicant about any deficiencies in his application on the spot or within the stipulated 2 (two) days in case of online application, as the case may be, the application shall be deemed to have been accepted by the Licensee on the date of receipt of the application.


7. Thus as per aforesaid Regulations, not only this that the outstanding dues are must to be cleared prior to grant of new connection but also OP has to indicate all deficiencies in one go and cannot raise any other deficiency later on. In the present case on grant of new connections, OP did not claim outstanding as deficiency and granted connection without getting cleared the outstanding dues of disconnected connection.

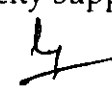
8. To claim that the first due as per Section 56 (2) of Electricity Act 2003 starts from the date of knowledge of concealment of address and to claim that OP has raised this issue within limitation period of two years as stipulated under section 56 of the Act.

9. This bar of limitation shall not apply only if OP proved that it has complied with conditions, of the sum due, being continuously shown in the bills as recoverable arrears of charges for electricity supplied as

Attested True Copy

  
Secretary  
CGRF (BYPL)



 7 of 10

Complaint No. 440/2024

per this Sub-Section which OP has failed to prove. In this reference another Provision is under Regulation 42 (2) of DERC (Supply Code and Performance Standards) Regulations 2017, which deals with recovery of arrears.

42. Recovery of Arrears:-

(1) The Licensee shall indicate all outstanding amounts whatsoever on account of demand note, assessment bills, interest or Late Payment Surcharge, as the case may be, till the date of bill raised etc. separately as arrear in the regular bill.

(2) If a demand is raised on the consumer through a separate demand note, assessment bills etc. and the same remains unpaid, shall be included in the regular bill within next two billing cycles and the same shall be continued to be reflected in each bill unless paid. Provided that if the outstanding dues are not reflected continuously as recoverable in the bill, the Licensee shall forfeit its right to claim or recover the outstanding dues.

(3) The Licensee shall be entitled to recover arrears of charges or any other amount due from the consumer along with interest or Late Payment Surcharge, as the case may be, at the rates applicable for delayed payments from the date on which such payments became due.

(4) Subject to Section 56 (2) of the Act, if the consumer fails to remit the amount of arrears with interest or Late Payment Surcharge, as the case may be, by the due date indicated in the bill or in the

Attested True Copy

Secretary

CGRI (BYPL)

8 of 10

Complaint No. 440/2024

demand notice, the Licensee may disconnect the supply of electricity after giving notice and initiate proceedings for the recovery of the arrears in accordance with the relevant legal provisions.

10. Thus as per Proviso of sub-Regulation 2 of Regulation 42, if the outstanding dues are not reflected continuously as recoverable in the bill, the licensee shall forfeit its right to claim or recover outstanding dues.

11. On the basis of the aforesaid findings, we are of the considered view that as on date OP can't claim the outstanding dues of disconnected connection of CA no. 103769779, being barred under section 56 (2) of the Electricity Act 2003 and after forfeiting its right to claim or recover the outstanding dues as-per Proviso to Sub-Regulation 2 of Regulation 42 of DERC (Supply Code and Performance Standards) Regulations 2017.

ORDER

The complaints are allowed by this common order. OP is directed to withdraw the dues of Rs. 72076/- transferred on live connection vide CA no. 152815033, CA no. 152831970 and CA no. 152950246 of Mamta, Veer Pal Singh and Pawan Kumar, respectively the consumers, at pro-rata basis and correct/revise the bills accordingly.

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.

Attested True Copy

Secretary  
CGRF (BYPL)

Complaint No. 440/2024

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.

*on leave*  
(H.S. SOHAL)  
MEMBER

*by*  
(P.K. AGRAWAL)  
MEMBER (LEGAL)

*8/4/25*  
(S.R. KHAN)  
MEMBER (TECH.)

*Me*  
(P.K. SINGH)  
CHAIRMAN  
10 of 10

Attested True Copy  
*[Signature]*  
Secretary  
CGRF (BYPL)