



C A No. Applied for
Complaint No. 423/2024

In the matter of:

Zahid

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

1. Mr. I U H Siddiqi, Counsel of the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 26th August, 2025

Date of Order: 28th August, 2025

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

1. The brief facts of the grievance are that the complainant is using electricity through CA no. 152760700 installed at his premises no. T-274, third floor, Idgah Road, Ahata Kidara, Quresh Nagar, Sadar Bazar, Delhi-110006. It is further his submission that OP transferred illegal dues to his CA no. which does not pertain to him. Therefore, he requested the forum to direct respondent to withdraw the illegal dues transfer against his CA no.

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2. The respondent in its reply against the complaint of the complainant submitted that the complainant is seeking relief of dues transfer against the CA No. 152760700 installed at premises bearing address T-274, third floor, Idgah Road, Ahata Kidara, Qureshi Nagar, Sadar Bazar, Delhi-110006. Reply further stated that there was an outstanding dues amounting to Rs. 5,68,235.43/- which were transferred from disconnected CA No. 100512921 in the name of Zahid to the live connection in the name of Zahid having CA no. 152760700 on 18.07.2024. It is also mentioned by OP that both the connections are registered under the same name and same premises thereby establishing the basis of similarity amongst these both connections. It is also submitted by OP that previously the outstanding dues of Rs. 5,68,235.43/- from the disconnected CA no. 100512921 in the name of Zahid were transferred to another CA no. 152011451 in the name of Halima on 26.09.2018 but upon request from the said consumer and verification it was reversed on 02.09.2020 due to existence of the meter at the same premises under the same name.

Reply also stated that subsequent to the transfer of dues, new connections were energized on 16.02.2019 having CA no. 152760700 being issued in the name of Zahid s/o Md. Ali, connection having C Ano. 152760701 in the name of Md. Ali, s/o Abdul Waheed, who is father of Zahid and another connection, vide CA no. 152760702 in the name of Md. Shahid s/o Md. Ali.

3. The counsel for the complainant in its rejoinder refuted the contentions of respondent as averred in their reply and submitted OP claims dues are transferred as per DERC Supply Code 2017 Regulation 52 (III). OP failed to disclose the fact that on what basis/proof previously they have transferred the dues of CA no. 100512921 of Zahid to CA no. 152011451 in the name of Halima Akhlaq having address T-275/3, SF, Gali neem wali, Kasab Pura.

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Complainant further submitted that as per Regulations 10 & 11 of the Supply Code 2017, the outstanding dues are must to be cleared prior grant to new connection and in the present case OP has released three new connections in the subject property in the year 2019 and now in year 2024 they have transferred the dues. The complainant also stated that OP has not submitted any details of the disconnected connections dues which they have transferred to the live connection of the complainant. Further the alleged illegal dues transfer on the connection of the complainant is also hit by limitation under Section 56 (2) of the electricity Act as the disputed connection was disconnected on 07.11.2017 and new connection to the complainant was granted in February 2019, despite the knowledge of pending dues since January 2020. No payment was made against CA no. 100512921 from year 2009 and OP instead of recovering the arrears in the year 2009 and disconnecting the supply on non-payment, OP changed the meter of above mentioned connection in the year 2016 but disconnected the connection in the year 2017 only.

4. During the course of arguments the complainant admitted that the connection having CA no. 100512921 in the name of Zahid was installed at his premises. He argued for the period the connection remained at his premises. According to the complainant the connection was at his premises from the year 2007 till 2009 thereafter the supply was disconnected by OP and the bill raised by OP is till 2017 and the said bill is barred by Regulation 56 (2) of the Electricity Act 2003. He further submitted that he applied for three new connections in the year 2019 but OP has not raised pending dues at the time of release of new connections, which is clear violation of Regulation 10 & 11 of DERC Supply Code 2017.

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5. Against the said objection of the complainant, OP submitted that the connection of the complainant was energized on 15.03.2007 and on account of non-payment of dues the said connection was disconnected on 12.01.2009 at reading 1802. The complainant thereafter restored the electricity supply illegally which came into notice of the OP in the year 2014 when manual incremental readings were recorded by the official of OP. The said readings are showing in the consumption pattern/reading chart of CA no. 100512921 from 24.07.2014 till 23.07.2015. Thereafter the meter reading could not be recorded as a result on 03.12.2016 the old meter was changed with new meter which was finally disconnected on 07.11.2017 on account of non-payment of dues.
6. On the basis of above arguments of both the parties, Forum opined that the matter is regarding restoration of electricity supply illegally by the complainant and directed both the complainant and the OP to prove the jurisdiction of the Forum to hear the present case.
7. OP stated that although the matter is for illegal restoration but they have not raised the bill to the complainant for unauthorised use of electricity, they are asking only for regular dues of electricity which is as per reading from the complainant. The complainant also submitted written submissions stating therein that the complainant has challenged illegal transfer of dues by the OP. And as per DERC (Forum for Redressal of grievances of the consumers and ombudsman) Regulations 2018, Regulation 13 which deals with the limitation of Jurisdiction of the Forum in clause (2) clearly states that the Forum shall not entertain grievance falling under section 126, 127, 135 to 139, 142, 152 and 161 of the Act. And none of the above regulation relates to the dues transfer done by the OP.

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8. From the narration of the facts and material placed before us we find as under:

- a) The complainant got electricity connection in his name in the year 2007 and said meter of the complainant was disconnected in January 2009 on account of non-payment of dues.
- b) The contention of OP that the complainant restored the electricity supply illegally can be relied upon as the reading chart is showing incremental reading from July 2014 onwards. Before that no readings are available on record of OP. The first reading in the month of July 2014 recorded by OP was R-50421 and last reading of the meter no. 13578496 was recorded on 23.07.2015 as R-55742.
- c) Between the period 23.07.2015 till 02.12.2016 there was no reading recorded by the meter and on 03.12.2016, the old meter of the complainant was changed with new meter and at the time of change of meter the meter reading of old meter was shown as **NV (not visible)**.
- d) The electricity meter of the complainant got disconnected on 07.11.2017 at reading R-9367 on account of non-payment of dues.
- e) The documents filed by OP clearly show that the complainant or his father is in possession of the subject property since 1984.
- f) After disconnection of the connection CA no. 100512921 the complainant start using electricity from the connection installed in property bearing no. T-275/3 vide CA no. 152011451 in the name of Halima. On 26.09.2018 the dues of CA no. 100512921 were transferred to live connection of Halima having CA no. 152011451.
- g) Halima approached office of the licensee on 13.1.2020 for removal of transferred dues from her CA no. 152011451 which is installed at T-275/3, Gali Neem Wali, Qasabpura, Ahata ki data. Mr. Akhlaq husband of Halima in his written application has clearly mentioned that the dues

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does not pertain to their premises and it pertain to the person residing opposite his premise and three meters are installed in the opposite premises and the dues should be recovered from them only and from Halima or Akhlaq.

- h) Since the dues were at the time reflected on the meter of Halima and were not appearing against the complainant's (Zahid) premises, he was given new connections without asking for dues. Subsequently the dues were reverted back by OP vide letter dated 16.03.2020. OP further submitted that the reverted dues were not transferred to live connection of the complainant as there was lockdown because of spread of COVID Virus.
- i) The dues reversal approval note submitted by OP clearly stated that the reversed dues are to transferred to three connections having CA no. 152760700, 152760701 and 152760702, all the three connections installed in the same premises where earlier connection in the name of Zahid was installed.

9. Since it is an admitted fact that the connection having CA no. 100512921 in the name of Zahid exists at the subject premises , now the only question remains is to decide the period for which the meter exists at site.

In this regard, OP submitted that the meter was disconnected in the year 2009 which was illegally reconnected by the complainant therefore there was no reading recorded in the record of the OP but in the year 2014 manual readings were recorded by the meter reader and all the readings are incremental. During this period the meter installed was also replaced on 03.12.2016 as the old meter was showing no visible readings. The new meter also recorded incremental readings, but the complainant did not make payment of the pending dues therefore the meter was finally disconnected on 07.11.2017.

The complainant has argued that OP is barred by Regulation 56 (2) of Electricity Act 2003 and cannot recover dues from the complainant.

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10. It is concluded that demand has not become time barred under Section 56 (2) of Electricity Act 2003 which involves the interpretation of the term first due appearing in the Section 56 (2) as to when an electricity charges become first due for the purpose of payment and the limitation period of two years start running. The appellant tribunal of electricity has interpreted the word first due appearing in Section 56 (2) of Electricity Act 2003 in the case titled as Ajmer Vidyut Vitran Nigam Ltd., and has clearly held that the electricity charges become first due for payment only after a bill or demand notice for payment is sent by the licensee to the consumer.

It is also held that the complainant is liable to pay the dues of electricity consumed by him in view of the order of Hon'ble Supreme Court of India in Civil Appeal No. D13164 of 2007 in M/s Sisodia Marble & Granites Pvt. Ltd. Vs Ajmer Vidyut Vitran Nigam Limited vide Judgement dated 17.05.2007 which was file by M/s Sisodia Marble & Granites Pvt. Ltd. against the judgment passed by Appellate Tribunal for Electricity in Appeal nos. 202 and 203 of 2006.

11. The bill of the consumer should be revised as under:

- a) First reading 1802 on 12.1.2009 (showing in the record of OP).
- b) Final reading should be taken as 55742 on 03.12.016 (date of change of meter as OP has failed to prove the reason why there was no reading for a period of one year i.e. from 23.07.2015 till 03.12.2016. OP is treating this as defective period but has not placed on record any concrete evidence in support of their claim therefore the last reading recorded by meter should be treated as final reading at the time of meter replacement).

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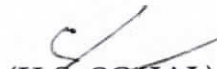
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- c) From 03.12.2016 till final disconnected on 07.11.2017 as per reading recorded in the meter.
- d) No LPSC should be charged from the complainant in the revised bill amount.
- e) The LPSC amount levied in the current electricity bill of the complainant having C A no. 152760700 should also be completely waived off.
- f) The complainant should be allowed to make payment of the revised bill amount in six equal monthly installments along with current energy charges.
- g) The revised bill should be provided to the complainant within 21 days. OP is further directed to file compliance report within 21 days of the action taken on this order.
- h) If the Order is not appealed against within the stipulated time, the same shall be deemed to have attained finally.
- i) 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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