



C A No. 101158946  
Complaint No. 59/2021

**In the matter of:**

Ajay Bharti .....Complainant

**VERSUS**

BSES Yamuna Power Limited .....Respondent

**Quorum:**

1. Mr. Arun P Singh (Chairman)
2. Mrs. Vinay Singh, Member (Legal)
3. Dr. Harshali Kaur, Member (CRM)

**Appearance:**

1. Mr. Ajay Bharti, Complainant
2. Mr. Imran Siddiqi, On behalf of BYPL

**ORDER**

Date of Hearing: 23<sup>rd</sup> June, 2021  
Date of Order: 25<sup>th</sup> June 2021

**Order Pronounced by:- Mrs. Vinay Singh, Member (Legal)**

Briefly stated facts of the case are that the respondent repeatedly transferred dues of some other connections to the live connection of the complainant.

It is also his submission that he is residing at 191, Khichdi Pur, Delhi-110091 and using electricity vide CA No. 101158946. Respondent repeatedly transferred dues of other CA numbers to his connection, first in the year 2016, then 2019 and now on 13.02.2021.

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He made various visits to the office of the respondent but no one paid any heed to his complaint. Every time he made representation and the dues were removed. This time again he received letter for making payment of Rs. 19400/- with instructions to pay the dues within 15 days otherwise supply would be disconnected. He again visited the office of the respondent but the officials of the respondent refused to help him. It also came to the knowledge that there are five persons with same name in i.e. Ajay Bharti in Khichdipur. Therefore, he requested the Forum to direct the respondent for immediate withdrawal of the dues and also asked for compensation.

Notices were issued to both the parties to appear before the Forum on 30.04.2021.

Due to an upsurge in Covid-19 second wave hearings in the Forum could not be conducted during the period 20.04.2021 to 10.06.2021.

The respondent company submitted their reply stating therein premises involved is property bearing no. 11, Goswami Marg Village, Khichripur, Delhi. The present complaint is in regard to transfer of dues on 21.01.2021 from CA No. 101103145 in the name of Sh. Ajay Kumar to C.A.No. 101158946 in the name of Sh. Ajay Bharti.

It is also their submission that the site of the complainant was visited on 03.12.2020, accordingly show cause notice was sent to Sh. Ajay Bharti on 03.12.2020 but he did not turned up for hearing nor submitted any reply. As per the site visit report dues of CA No. 101103145 in the name of Sh. Ajay Kumar amounting to Rs. 19010.67 was transferred to CA No. 101158946 in the name of Sh. Ajay Bharti on 21.01.2021.

After the complainant made representation on 25.01.2021, the site of the complainant was visited again on 12.02.2021 and found that both the addresses

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*(Handwritten signatures and marks)*

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were similar but not same and accordingly dues were reversed/removed from the account of the complainant.

The dues were reversed from CA N. 101158946 on 05.03.2021 and complainant paid the revised bill on 18.03.2021.

The matter was listed for hearing on 18.06.2021, when it was submitted that the complainant filed complaint in the Forum on 08.03.2021, but the respondent reverted back the amount which has been transferred to the connection of the complainant before filing of the complaint before the Forum. Complainant sought compensation for harassment he faced and litigation charges. Complainant was asked to file details of all his demands within two working days.

The main issue in the present complaint is whether the complainant should be given compensation or not.

We have gone through the submissions made by both the parties. From the narration of facts and material placed before us we find as under

- That the complainant lodged complaint before CGRF on 08.03.2021. The respondent company vide their mail of the same date i.e. 08.03.2021 submitted that the dues have been reversed from CA No. 101158946 on 05.03.2021 and the total amount due is Rs. 810/-.
- That even after reversal of the transferred dues the complainant was not satisfied and asked for compensation. The matter was listed for hearing before the Forum on 30.04.2021, but due to an upsurge in second wave of Covid-19, Forum could not hear the matter. The matter was heard firstly on 23.06.2021 and was reserved for orders on the same date.
- That on perusal of record submitted before the Forum, we find the dues transferred by the respondent in the year 2016 amounting to Rs. 34939/- in the name of Sangeeta Bharti. Mrs. Sangeeta Bharti is sister-in-law of the complainant.

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- That the dues transferred by the respondent in the year 2019 amounting to Rs. 38051.57/- , were in the name of Ajay Bharti, but the father's name was different. The respondent upon finding the difference in father's name of both the connections reversed the transferred dues.
- Also it is apparent that the area where the complainant resides is a village and sometimes it becomes difficult to differentiate between the house numbers.
- That on the last date of hearing the complainant was asked to file details of all his demands, but the complainant failed to do so.
- That the complaint of the complainant has no locus standi because the dues belong to his brother's connection residing in the same premises and were transferred to his connection by the respondent. The dues were reverting back by the respondent after his representation; this complaint was lodged after reversal of the dues.
- The complainant also made complaint regarding corruption and demand of money by the respondent official but as per the respondent's submission this complaint is false and submitted that complainant argued in the office.
- Regarding the compensation the Forum has no jurisdiction to decide about the compensation, as per DERC Guidelines 2017 only the parameters of compensation as prescribed in Schedule-I & Schedule-II of the DERC Guidelines are liable for compensation.
- If the complainant wants compensation he can approach the Civil or Criminal Court to decide whether he is entitled for compensation or not. This forum has no jurisdiction to decide about the compensation.

Compensation as defined, 'Money that you pay to somebody because you have injured him/her for loss or damage, his/her property.

*As defined in DERC Supply Code and Performance Standards 2018,*

*Regulation 74. Determination of Compensation:- (1) The Licensee shall be liable to pay compensation to the affected consumers, in case of his failure to*

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*meet the Guaranteed Standards of Performance as specified in Schedule - I of the Regulations: Provided that the claim for compensation for violation of provisions of any other Regulations not specified in Schedule-I of these Regulations may be filed before the Commission. (2) The compensation paid by the Licensee shall not be allowed to be recovered in the Annual Revenue Requirement (ARR) of the Licensee.*

In the present case, neither he is injured nor his property is lost/damaged, therefore he is not entitled for compensation.

We are of considered opinion that the complaint of the complainant has been resolved before approaching the Forum and asking for compensation, this Forum has no jurisdiction to decide.


Therefore, we direct


That the main complaint of the complainant for withdrawal of the dues is already redressed and Forum has no jurisdiction to decide for compensation. The complainant is free to approach Civil or Criminal Court for grant of compensation.


No order as to the cost. A copy of this order be sent to both the parties and file be consigned to record room thereafter.

The order is issued under the seal of CGRF.

The compliance should be reported within 30 days. The order is issued under the seal of Consumer Grievance Redressal Forum (BYPL).

  
(HARSHALI KAUR)  
MEMBER (CRM)

  
(VINAY SINGH)  
MEMBER (LEGAL)

  
(ARUN P SINGH)  
CHAIRMAN

