



C A No. 153624234, 153492557 & 152105582
Complaint No. 51/2023

In the matter of:

Dharamvir ChaudharyComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat A Alvi, Member (CRM)
3. Mr. S.R. Khan, Member (Technical)

Appearance:

1. Mr. Neeraj Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. Rajan Pasan, Ms. Shweta Chaudhary, Mr. Shubham Singh & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 05th April, 2023

Date of Order: 12th April, 2023

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

1. Present complaint has been filed by Sh. Dharamvir Chaudhary, against BYPL-KKD.
2. The brief facts of the case giving rise to this grievance are that complainant Sh. Dharamvir Chaudhary, purchased the property no. 10/122, Shanker Gali, Vishwas Nagar, Shahdara, Delhi 32 in the year 2015 from Bharat Bhushan S//o Lt. Sh. Mukat Behari. The total plot area was 400 sq yards and the applicant purchased 150 sq yards from the

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same.
Secretary
CGRF (BYPL)

[Handwritten signatures]
1 of 5

Complaint No. 51/2023

At the time of purchase of the said property the electricity connection installed in the name of Thermo Gen Engg. Vide CA no. 100005425 which was transferred in the name of applicant on 10.11.2016 and bill of Rs. 1,68,776/- was raised to the complainant which was duly paid on 17.01.2017.

He further added that OP has transferred dues of CA No. 100755490 to three live connections in his property having CA No. 153624234, 153492557 & 152105582, whereas, he has no connection with the said connection.

3. The OP in their reply briefly stated that complainant has challenged the dues which were transferred to three connections bearing CA no. 153492557, 153624234 and 152105582 installed at premises no. 10/121-122, Shanker Gali, Bhisam Road, Vishwas Nagar, Shahdara, Delhi-32. At the said premises there was one connection bearing CA No. 100005425 (KCC) registered consumer Thermo gen Engg (prop. Bharat Bhushan) which was disconnected on account of outstanding dues and the dues were transferred to other live connection bearing CA No. 150907833 registered consumer Dharamvir Chowdhary. The complainant made full payment and on 28.08.2018 the said connection was removed. The complainant also got security refund.

At the same premises there was another connection bearing CA No. 100755490 which was initially sanctioned for domestic purpose on 16.01.1987 in the name of Bharat Bhushan. Thereafter, on request of the complainant name change took place to Thermo Gen. Engg. Consultant (prop. Bharat Bhushan). The consumer also got tariff category changed from domestic to Industrial light. The said connection as loop connection to CA No. 100005425 i.e. the connection of which dues were

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Complaint No. 51/2023

earlier transferred to complainant and which were duly paid by the complainant. The said loop connection was disconnected on 02.04.2009 on outstanding dues of Rs. 3, 38,108.38 which has now been transferred equally to three live connections of the complainant.

4. The counsel of the complainant argued that the dues transferred by respondent do not pertain to his property and he is not liable to pay the said dues. He further submitted that under duress he had made the payment of the dues only LPSC amount is left, but he is not liable to make the payment of the said dues and wants refund of the payment made by him.
5. LR of the OP submitted that previous disconnected connection was a loop connection to the connection bearing CA No. 100755490 establishes beyond doubt that the transferred dues pertains to complainant only. It was also submitted that CA No. 150907833 was sanctioned after taking dues undertaking with affidavit. Likewise CA No. 153624234 was released after taking dues undertaking because as per CF there was same site dues of CA No. 100755490 of Rs. 338108.38.
6. Heard both the parties and perused the record. From the perusal of evidence placed on record pleadings and after hearing both the parties it is transpired that the complainant purchased the property in the year 2015 and purchased 150 sq yards out of total 400 sq yards of plot. The loop connection having CA no. 100755490 was disconnected on 02.04.2009, why OP has not asked complainant to clear the said dues in the year 2017, when the complainant cleared the pending dues of CA No. 100005425 which was registered in the name of Thermo Gen Engg amounting to Rs. 1,68,776/-.

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Complaint No. 51/2023

As far as legal position is confirmed according to DERC (Supply Code and Performance Standards) Regulations 2017, Rule 10 (4)(ii)

(4) Sub-divided Property:-

The Licensee shall provide the connection, to the applicant of respective portion of the legitimately sub-divided property, on payment of outstanding dues on pro-rata basis for that portion, based on the area of such sub-division or as mentioned in sub-division agreement, and the Licensee shall not deny connection to such applicant on the ground that dues on the other portion(s) of such premises have not been paid, nor shall the Licensee demand record of last paid bills of other portion(s) from such applicant(s).

According to this the complainant should be raised bill on pro-rata basis as he owned only 150 sq yards of total property of 400 sq yards. He purchased the property in the year 2015 and the dues are pending since 2009. Thus the complainant is not liable to clear the entire pending dues of CA No. 100755490. He should be raised proportionately on pro-rata basis. Though the complainant had made payment of the transferred dues except LPSC amount, therefore, the respondent should raise the pro-rata share of the complainant and adjust the same in corresponding bills of the complainant.

Deval.    

4 of 5

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Complaint No. 51/2023

ORDER

Complaint is allowed. Respondent is directed to raise the pro-rata bill of the complainant and adjust the same in corresponding bills of the complainant.

The OP is also directed to file compliance report to this office within 21 days from the issue of this order.

The case is disposed off as above.

No order as to the cost. Both the parties should be informed accordingly.
Proceedings closed.


~~(P K SINGH)
CHAIRMAN~~



(S.R. KHAN)
MEMBER-TECH


(NISHAT AHMAD ALVI)
MEMBER-CRM

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CGRF (BYPL)


(P.K.AGRAWAL)
MEMBER-LEGAL


(H.S. SOHAL)
MEMBER