

Consumer Grievance Redressal Forum
FOR BSES YAMUNA POWER LIMITED
(Constituted under section 42 (5) of Indian Electricity Act. 2003)
Sub-Station Building BSES (YPL) Regd. Office Karkardooma,
Shahdara, Delhi-110032
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SECY/CHN 015/08NKS

CA No. 152622989
Complaint No. 10/2022

In the matter of:

Mohd. HabibComplainant

VERSUS

BSES Yamuna Power LimitedRespondent.

Quorum:

1. Mrs. Vinay Singh Member(Law)
2. Mrs. Monika Taneja, Member (CRM)

Appearance:

1. Mohd. Habib, Complainant
2. Mr. Imran Siddiqi, Ms. Ritu Gupta, Mr. Jagathessh Kannan, Mr. Sanjeev Valecha & Ms. Shweta Chaudhary, on behalf of respondent no.1

ORDER

Date of Hearing: 11th March, 2022
Date of Order: 16th March, 2022

Order Pronounced By:- Mrs. Vinay Singh, Member (Law)

Briefly stated facts of the case are that the respondent has raised complainant arbitrarily high amount bill which is wrong and wants bill correction.

It is also his submission that he is using electricity supply through CA No. 152622959 since 2012. In the year 2018, BSES officials came to his place and removed the meter with all fittings and wiring and then send him assessment of direct theft bill with due date 21.06.2018 for Rs. 63660/-. He approached PLA

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for settlement of bill and installation of meter and as per PLA order no. EPLA-II/77369/2018 and paid the settled amount and new connection was energized on 30.06.2018. In the year 2020 BSES officials debited Rs. 94,000/- approx to his account and disconnected his electricity supply. Therefore, he requested the forum for waiver of extra amount from his bill and to restore his electricity supply.

Notices were issued to both the parties to appear before the Forum on 07.02.2022.

The respondent company submitted their reply stating therein that premises bearing no. 1530 & 1531, Aziz Ganj, Bahadur Garh Road, Azad Market, Delhi, an electricity connection having CA No. 100502068 was installed in the name of Sh. Shahid Ali. Same was transferred in favour of Smt. Asmat Fatima (CA NO. 150117695) and finally in favour of Smt. Habib Ahmed CA No. 150432515. The said connection having CA No. 150432515 was disconnected on 05.06.2018 on account of enforcement inspection. On the said connection outstanding dues were of Rs. 98270/- and said dues were transferred to live connection bearing CA No. 152622959.

The matter was heard on 07.02.2022, when complainant was directed to file rejoinder. Respondent raised bill of Rs. 98000/- for escape billing i.e. after 22.08.2012, now after 10 years. Earlier enforcement dues were settled in PLA. Respondent was directed to file account statement and steps taken by them to recover dues in the last 10 years.

The matter was again heard on 21.02.2022, when complainant filed rejoinder and award of PLA in respect of theft bill. Complainant also stated that he was not in Delhi for three years. Complainant was directed to file supporting evidence in respect of his contention.

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Respondent was directed to produce K.No. file of Mohd Habib.

PLA decided theft assessment bill on 11.07.2018 and para 5 of the order states "on making payment of the first installment, the respondent company is directed to release new connection/electric supply shall be restored within 7 days on completion of commercial formalities."

The meter of the complainant was energized by the respondent as per orders of the PLA but same was again disconnected due to escape billing of the period from 23.08.2012 to 17.10.2018.

Forum in the interest of justice feels that electricity may be restored/new connection be granted to complainant within three working days and escaped billing bill amounting to Rs. 45,751/- is stayed till the final orders of the Forum.

As per the Forum's order the complainant submitted an affidavit stating therein that "in the year 2012 he was residing at property no. 1530-31, Aziz Ganj, Azad Market, Delhi-110006. And from year 2013 till 2016 due to some inevitable circumstances, he was residing at his native place at Kot Choraha, Amroha , UP. After 2016, the deponent had quite often visited the premises and had not stayed even regularly."

The matter was finally heard on 11.03.2022, when both the parties were present. Arguments of both the parties were heard and matter was reserved for orders.

The main issue in the present complaint is whether the dues are payable by the complainant 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 that

- electricity connection having CA No. 100502068 was installed in the name of Sh. Shahid Ali and same was transferred in the name of Smt. Asmat Fatima vide CA No. 150117695 and finally transferred in favour of Sh. Habib Ahmed vide CA No. 150432515.

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- The said connection bearing CA No. 150432515 was disconnected on 05.06.2018 on account of escaped billing/enforcement dues and the outstanding dues were of Rs. 98,270/-.
- Thereafter, respondent transferred outstanding dues amounting to Rs. 98270/- of CA NO. 150432515 in name of Habib Ahmed to CA No. 152622959 in the name of Mohd Habib.
- During the arguments respondent submitted that enforcement bill was raised for the period 06.06.2017 till 05.06.2018 i.e. only for one year and the complainant settled the said enforcement bill before PLA.
- Respondent also submitted that the bill of Rs. 98270/- was for the period 22.08.2012 to 05.06.2017 which is now revised to Rs. 45751.07/-.
- Complainant submitted that during the period 2012 till 2016 due to some inevitable circumstances, he was residing at his native place at Kot Choraha, Amroha, UP. After 2016, the deponent had quite often visited the premises and had not stayed even regularly.
- Complainant also submitted an affidavit in support of his contention.

In view of the above, we are of considered opinion that the respondent has no reading record of the meter installed against CA No. 150432515 and the complainant has submitted an affidavit in support of his contention. Respondent also seems to be very negligent as they have not recorded the meter reading of the complainant's connection between the period 2012 till 2017. Respondent has not generated bills from the year 2012 till 2017 and now and also have taken no steps for recovery of the energy charges. Respondent now raised the bill and that is too without reading only on presumption basis.

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Therefore, we direct as under:


- Respondent is directed to revise the bill of the complainant by only charging fixed charges for the period 22.08.2012 to 05.06.2017.
- Respondent is also directed to not to charge any LPSC to the complainant for the said period.
- The revised bill should be served to complainant within 15 days from the date of this order.
- The complainant is also directed to pay the regular energy consumption bill along with the revised bill amount.

The case is disposed off as above.

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

Proceedings closed.


(MONIKA TANEJA)
MEMBER (CRM)


(VINAY SINGH)
MEMBER (LAW)