



**C A No. Applied for**  
**Complaint No. 400/2023**

**In the matter of:**

Pankaj Kumar Jha .....Complainant

**VERSUS**

BSES Yamuna Power Limited .....Respondent

**Quorum:**

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

**Appearance:**

1. Mr. Imran Siddiqui, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht & Ms. Shweta Chaudhary, On behalf of BYPL

**ORDER**

Date of Hearing: 11<sup>th</sup> January, 2024  
Date of Order: 19<sup>th</sup> January, 2024

**Order Pronounced By:- Mr. P.K. Agrawal, Member (Legal)**

1. This complaint has been filed by Mr. Pankaj Kumar Jha against BYPL-LNR.
2. The brief facts of the case giving rise to this grievance are that Mr. Pankaj Kumar Jha applied for name change of CA No. 152596918 installed at 145/54, old no. C-61, C-62, GF, Krishna Puri, Mandawali, Delhi-110092 vide request no. 8006570881. The application of the complainant was rejected on the pretext that there are pending dues at the same site.

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Counsel of the complainant stated that the dues pertain to other premise.

3. OP in its reply briefly stated that the complainant is seeking name change with respect to CA no. 152596918 which is currently registered in the name of Vimla Jain and installed at property bearing no. 145/54, old no. C-61, C-62, GF, Krishnapuri, Mandawali, Delhi-110092. The complainant applied vide request no. 8006570881 for change of name with respect to the subject electricity connection in his capacity as the owner of the shop no. 2, ground floor, 145/54, Old no. C61, C62, Krishnapuri, Mandwali, Delhi-110092. The request of the complainant was rejected due to existence of outstanding dues of Rs. 4735/- in respect of CA No. 101055984 registered consumer Roopa Sharma. The said connection was disconnected in the year 2016.

Reply further stated that as per the ownership documents placed on record by the complainant are owner of subject shop and hence required to clear the dues pertaining to said shop.

4. Counsel of the complainant stated that the connection in the name of Vimla Jain for which he is seeking name change was energized in the year 2018 but OP has not raised the pending dues of disconnected connection at the time of release of new connection. Therefore, they are not liable to recover then pending dues from him.
5. Arguments of both the parties were heard at length.
6. From the narration of facts and material placed before us, we are of the considered opinion that as per **Regulation 17. Existing connections:- (1) Transfer of connection**

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(i) If any applicant wants transfer of connection due to any reason such as change of consumer's name due to change in ownership or occupancy of property, transfer to legal heir, etc. he shall apply to the Licensee in the prescribed format as notified in the Commission's Orders.

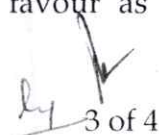
(iii) The request for transfer of connection shall not be accepted unless all recoverable dues in respect of the concerned connection are fully paid.

7. In regard to the counsel of the complainant's objection that OP should have recovered the dues at the time of release of new connection. Hon'ble Delhi High Court in the case of W.P. (c) 2453/2019 has held "However, merely because some of the occupants of the building have wrongly been given an electricity connection, it cannot be ground for the court to direct respondents' no. 2 and 3 to further compound the wrong act and direct granting of a new electricity connection to the premises of the petition which is located in the building whose height is more than 15 meters."
8. Therefore, if at the time of release of new electricity connection, OP has mistakenly omitted asking for the pending dues, it does not give right to the complainant to shed of his liability of paying the pending dues of the same address.
9. As per above stated Regulation, the complainant is liable to clear the outstanding dues for getting the name change in his favour as the address of both the bills are same.

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ORDER


The complaint is partially allowed. OP is directed to issue complainant a revise bill after waiver off entire LPSC amount and the complainant is also directed to make to payment of the revised bill amount.

OP is further directed to affect the name change application of the complainant once the complainant makes payment of the revised bill.

The case is disposed off as above.

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

  
(NISHAT A ALVI)  
MEMBER (CRM)

  
(P.K. AGRAWAL)  
MEMBER (LEGAL)

  
(S.R. KHAN)  
MEMBER (TECH.)

  
(P.K. SINGH)  
CHAIRMAN

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