



CA No. 153269666
Complaint No. 124/2021

In the matter of:

PoonamComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Ms. Poonam, Complainant along with counsel
2. Mr. Imran Siddiqi and Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

Date of Hearing: 31st January, 2022
Date of Order: 07th February, 2022

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

Briefly stated facts of the case are that the complainant already filed a complaint in the Forum in the year 2020 for wrong name change of her electricity connection having CA No. 152173315 under non-domestic category. The forum vide their order dated 11.01.2021 ordered that the name change done by respondent in December 2019 against CA No. 152173315 (now 153269666) should be reverted back in name of complainant i.e. Poonam and also directed the complainant to pay the electricity bill from November 2019 till date amounting to Rs. 56960/-.

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Now the complainant again approached the forum in November 2021 regarding issue of fake/bogus/false bill. It is also her submission that respondent issued fake and bogus bill against CA No. 152171259 under domestic category for the period 24.04.2021 to 20.07.2021 amounting to Rs. 5270/-. She also submitted that respondent intentionally and deliberately has not given the subsidy as per rule. Therefore, she requested the Forum to direct the respondent for correction of her bill and also asked for compensation amounting to Rs. 20 lakhs.

Notices were issued to both the parties to appear before the Forum on 01.12.2021.

The respondent in their reply stated that the complainant raised issue of wrong billing for the period from 26.03.2021 to 20.07.2021. Due to lockdown no reading was downloaded for a period from 26.03.2021 to 23.06.2021 as a consequence for the intervening period provisional billing was done. For July 2021 bill was raised as per actual reading for period from 26.03.2021 to 23.06.2021, during this period there was consumption of 1076 Kwh units at 2 KW MDI in 90 days. For said period bill was raised for Rs. 3330/- and subsidy of Rs. 2368.17 was given as per norms. The said billing was done proportionately by dividing the units consumed with number of days. Respondent further stated that complainant has not made the payments against outstanding dues.

The matter was heard on 01.12.2021, when respondent submitted their reply and counsel of the complainant asked for 15 days time to file rejoinder/written submissions. Matter was adjourned to 15.12.2021, but due to lack of coram the hearings could not be conducted, therefore, the matter was heard on 17.01.2022.

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The matter was listed for hearing on 17.01.2022, when it was noticed that matter was earlier decided by the Forum in the year 2021 where name change was made effective and Poonam was directed to clear the pending dues against CA No. 152173315 (now 153269666). Thereafter, complainant approached the Hon'ble Ombudsman and Ombudsman also upheld the orders of the Forum. Secretary of the Forum was directed to put up previous CG file along with the current case file.

The matter was again heard on 24.01.2022, when counsel of the complainant was not present but telephonically informed that he is out of station and seeks adjournment. Same was granted. Respondent was directed to provide statement of accounts of both the connections of the complainant.

The matter was finally heard on 31.01.2022, when arguments of both the parties were heard and matter was reserved for orders.

The main issue in the present complaint is whether the dues raised by respondent against CA No. 152171259 are correct 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 as per the previous orders of the Forum dated 11.01.2021, the complainant has still not clear the dues pending at the premises against non-domestic connection having CA No. 153269666. The respondent vide their mail dated 31.01.2022 also submitted that the total outstanding dues against CA No. 153269666 is Rs. 90058/- and the said connection was disconnected on 16.12.2021 on account of non-payment of above said dues. Respondent also submitted that the complainant had not made any payment against CA No. 153269666 (earlier 152173315) since the last orders of the Forum dated 11.01.2021.

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It is also observed that the present complaint of the complainant is regarding domestic connection having CA No. 152171259 energized on 11.05.2017 and having outstanding dues of Rs. 10860/- against which the complaint wants bill correction.

The complainant contented that the respondent has not given her benefit of subsidy for the period 24.04.2021 till 20.07.2021.

The respondent has submitted that due to lockdown no reading was downloaded from 26.03.2021 to 23.06.2021 but from the bill month of July 2021 the bills were raised on the basis of actual downloaded reading from 26.03.2021 to 23.06.2021, where total consumption for the period of 90 days was 1076 Kwh units. For said period bill was raised for Rs. 3330/- and subsidy of Rs. 2368.17 was given as per norms.

Respondent also submitted calculation sheets showing proper slab benefit and subsidy benefit to the complainant. Respondent also submitted that the last payment was made by the complainant was of Rs. 910/- on 10.10.2020, thereafter, she has not made any payment till date.

On perusal of records it seems that the complainant is regular defaulter. She is not regularly paying her bills. Also as per the last directions of the Forum dated 11.01.2021 in CG No. 62/2020, the complainant has not made any payment against the bill of CA No. 153269666 (earlier 152173315).

Also, As held by Hon'ble High Court of Delhi in Izhar Ahmad & Anr has stated "the intent of such a Regulation is to ensure that electricity companies do not have to 'run around' to recover their dues and any person who applies for re-connection makes payment of fraudulent abstraction charges before grant of new connection or reconnection of the said premises."

As decided by Hon'ble High Court and Supreme Court in many cases that the electricity charges cannot be waived off as decided by High Court of Delhi on 02nd March 2009 in the matter of Izhar Ahmed Vs. BSES Rajdhani Power Limited which is narrated below:-

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"The intent of such a regulation is to ensure that electricity companies do not have to run around to recover their dues and any person who applies for re-connection makes payment of all dues including surcharges and payment of fraudulent abstraction charges before grant of new connection or reconnection of said premises."

In view of above, we are of considered opinion that complainant is a regular defaulter and has not approached the Forum with clean hands. As per the above directions of the Hon'ble Supreme Court and High Court the complainant is liable to pay the dues.


Therefore,

- The complainant is liable to pay the energy dues consumed by her amounting to Rs. 10860/-.
- The respondent is directed to waive off LPSC amount from the bill of the complainant against CA No. 152171259.
- Considering that the complainant is poor widow lady, therefore, as per **Section 49 of DERC Supply code 2017**, if the complainant wants instalments, respondent is directed to allow two equal instalments to the complainant.

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)