



C A No. Applied For
Complaint No. 91/2021

In the matter of:

Sanjay SachdevaComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Vinod Kumar, Counsel for the complainant
2. Mr. Imran Siddiqi, Mr. Deepak & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

Date of Hearing: 22nd September, 2021

Date of Order: 29th September, 2021

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

Briefly stated facts of the case are that complainant applied for new electricity connection but respondent rejected his application for new connection.

It is also his submission that he applied for new electricity connection at his premises no. E-190, FF, West Patel Nagar, Delhi-110008 as per document dated 15.12.1995. He further submits that earlier one electricity connection vide CA No. 100617806 was installed in his premises which was disconnected on account of non-payment of dues in November 2018.

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Complainant further submits that he applied for new electricity connection for domestic purpose vide request no. 8004944713 in the name of Sanjay Sachdeva. Officials of the respondent visited the premises of the complainant for verification and after completion of all commercial formalities, complainant was given assurance from the officials of the respondent that demand note would be generated in 3-4 days. Despite of issuing demand note the respondent rejected the new connection application and provide complainant a deficiency letter dated 04.06.2021 stating therein that there are pending enforcement dues and energy dues against the said premises.

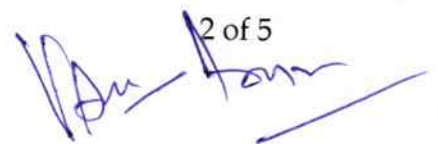
The complainant further states that he has settled the enforcement dues and energy dues before PLA and dues against CA NO. 100640013 of Rs. 48554/- does not pertain to his premises. He therefore, requested the Forum to direct the respondent company for immediate release of new connection.

Notices were issued to both the parties to appear before Forum on 10.09.2021.

The respondent company submitted their reply stating therein that complainant applied for new electricity connection vide application no. 8004944713 at premises no. E-190, FF, West Patel Nagar, New Delhi-110008. The application of new connection was rejected because there were pending dues against the said premises. The said dues pertaining to theft of electricity were in respect of CA No. 401272193 amounting to Rs. 99294/- and energy dues were in respect of CA No. 100617806 amounting to Rs. 70,000/- and CA No. 100640013 amounting to Rs. 48554/-. The complainant was also duly intimated about the same.

The respondent further added that dues against CA No. 100640013 amounting to Rs. 48554/- in the name of Smt. Veeram Wati pertain to property bearing no. E-190, GF, West Patel Nagar, Delhi from who the complainant has purchased



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the property. Same is evident from the property paper annexed also given at the time of biometric against application no. 8004944713, it is found that Smt. Veeram Wati sold this property from ground floor and first floor with roof rights to Sh. Sanjay Sachdeva on dated 15.12.1995 and subjected dues pertains to the said property as beneficiary dues.

The matter was listed for hearing on 10.09.2021, when respondent submitted that this is a case of new connection. Due to the outstanding dues, connection has been rejected by the respondent. But, the complainant has settled DT dues and one more dues of Rs. 84,000/- in PLA vide order dated 12.05.2021. Complainant was asked to submit that as per order of the PLA account summary what amount has been paid and what remained. Respondent was directed to file K.No. file of both connections except DT case and statement of account.

The matter was again heard on 22.09.2021, when respondent submitted K.No. file of the connections. Complainant was directed to file property documents as discussed before the Forum within two working days. Respondent was also given liberty to file any document before the Forum within two working days. Arguments of both the parties were heard and matter was reserved for orders.

There are two main issue in the present complaint is

- Whether the dues are payable by the complainant or not.
- Whether the new connection can be released in the name of 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 as under

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- The complainant applied for new electricity connection on 04.06.2021 vide application no. 8004944713, which the respondent rejected on pretext of pending dues at the premises.
- Respondent submitted that same site enforcement dues against CA No. 401272193 amounting to Rs. 99294/-, energy dues amounting to Rs. 70,000/- against CA No. 100617806 and Rs. 48554/- against CA No. 100640013 are pending against the said premises but first two dues were settled before PLA.
- The respondent also submitted that the documents submitted by the complainant for grant of new connection shows that Sh. Sanjay Sachdeva got GPA in his favour on 15.12.1995 from Smt. Viran Wati and the dues against CA no. 100617806 amounting to Rs. 48554/- is in the name of Smt. Viran Wati.

As above, we are of the considered opinion that the dues are on the premises and complainant is owner of the entire premises and he needs to pay all the dues pending at the premises for release of new connection. And as per records consumer does not seem to be genuine, many times his cheque were bounced and DT case was booked and other dues were also accumulated, thereafter, the said dues were settled in PLA, the remaining dues of Veerm vati which was disconnected in 2018 due to non-payment in lieu of that connection the complainant is seeking another connection, complainant purchased this property 1995 but till date not applied for name change and complainant is the owner of whole property as per records. So, consumer consumed the electricity and he is liable to pay as decided in many cases as below

In BSES Rajdhani Power Limited Vs Saurashtra Color Tones Pvt. Ltd. & ors., 2006, Delhi Law Times page no. 213, stated as under:

Electricity is public property. Law in its majesty benignly protects public property and behoves everyone to respect public property. No doubt dishonest consumers cannot be allowed to play truant with the public property but inadequacy of the law can hardly be a substitute for overzealousness.

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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:-

"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."

Therefore, we direct the respondent that whenever the complainant clear all the pending dues against CA No. 100617806 in the name of Veeram vati which was disconnected in 2018 and completes all the commercial formalities, they should release the new connection to the complainant.

The case is disposed off as above.

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.

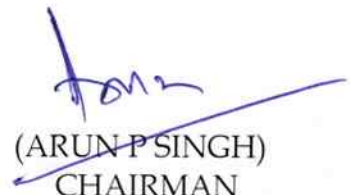
The order is issued under the seal of CGRF.



(HARSHALI KAUR)
MEMBER (CRM)



(VINAY SINGH)
MEMBER (LAW)



(ARUN P SINGH)
CHAIRMAN