



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
Phone: 32978140 Fax: 22384886
E-mail: cgrfbypl@hotmail.com
SECY/CHN 015/08NKS

C A No. Applied for
Complaint No. 394/2023

In the matter of:

Subhash SharmaComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

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)
5. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. Arun Kumar, Ms. Shweta Chaudhary & Ms. Chhavi Rani, On behalf of BYPL

ORDER

Date of Hearing: 01st February, 2024
Date of Order: 07th February, 2024

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

1. This complaint has been filed by Mr. Subhash Sharma against BYPL-Karkardooma. The brief facts of the case giving rise to this grievance are that OP has illegally transferred the dues amounting to Rs. 91,203/- of disconnected connection having CA no. 100057864 in the name of Smt. Savitri Devi to his live connection having CA no. 100701264.

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It is also his case that he moved an application for removal of the meter for CA No. 100057864 vide request no. 1020630158 on 21.08.2018 but respondent has not taken any action on his request but disconnected the said connection in the name of Savitri Devi in the year 2020, and OP transferred an amount of Rs. 91203/- to CA No. 100701264 in August 2023 against which he approached the OP and when not satisfied with their response, the complainant approached this Forum in October 2023.

2. OP in its reply briefly stated that the present complaint has been filed by the complainant in respect of transfer of electricity dues of one disconnected connection bearing CA No. 100057864 registered in the name of Smt. Savitri Devi to CA No. 100701264 registered in the name of father of the complainant Lt. Sh. K.L. Sharma. The connection having CA No. 100057864 was disconnected on 17.03.2020 for non-payment of outstanding dues of Rs. 91703/-.

OP further added that the complainant admittedly has been the beneficiary of the disconnected connection. On 07.08.2023, the subject premise was inspected and was found that property no. 30/96 and 30/96-A, are same and single meter exists. Accordingly, registered consumer of CA No. 100701264 i.e. Sh. K.L. Sharma was issued show cause notice dated 16.08.2023. As there was no response, the outstanding dues were transferred to the live connection after taking the due approval as per the law.

3. Counsel of the complainant filed his rejoinder, refuting the contentions of the respondent as averred in their reply and stated that he has applied for removal of meter against CA no. 100057864 on 21.08.2018 vide application no. 1020630158 but the officials of respondent did not remove the meter despite of moving the application. The meter was disconnected by OP on 17.03.2020, which is clear violation of Rules and Regulations of DERC. OP has charged the complainant fixed charges till 17.03.2020 which is illegal.

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4. OP in its written submissions stated that the present case pertains to transfer of dues of disconnected CA no. 100057864 registered in the name of Smt. Savitri Devi to CA No. 100701264 registered in the name of father of the complainant Lt. Sh. K.L. Sharma. The complainant in its rejoinder claimed that he applied for load reduction on 12.06.2018 from 37 KW to 18 KW and two months thereafter i.e. on 23.08.2018 he applied for device removal. Thereafter, the complainant approached the Learned PLA and entered into settlement whereby the then outstanding bills were revised by taking load as 18 KW instead of 37 KW. The said settlement took place in the year 2019 for the period 12.06.2018 to 10.08.2019.

The fixed charges were charged on 18 KW and that of 37 KW were withdrawn by giving net credit of Rs. 84697/-. And net payable amount comes to the tune of Rs. 55,000/-. As the complainant did not make the payment in terms of the PLA settlement, bills were raised on monthly basis by charging fixed charges on 18 KW for next six months and finally meter was disconnected under recovery drive in March 2020 on the final amount of Rs. 91703/- after adjusting security.

5. The counsel of the complainant also submitted his written submissions, reiterating therein facts in his original complainant and rejoinder.

6. Proceedings were closed on 01.02.2024 for judgment. On 05.02.2024, OP submitted PLA order sheets showing that the matter was settled and it was ordered that an amount of Rs. 61,730/- shall be paid by the petitioner on or before 21.10.2019.

7. We have gone through the submissions made by both the parties. From the narration of facts and material placed before us we observe that in this case complainant is accepting the outstanding dues transferred from

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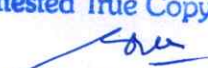
disconnected connection having CA no. 100057864 to CA no. 100701264 registered in the name of Lt. Sh. K.L. Sharma, however he is disputing the fixed charges which have been charged by the OP after 21.08.2018 when Smt. Savitri Devi requested vide application no 1020630158 for devise removal (disconnection of electricity connection).

8. According to the bill no. 10003680896 dated 03.09.2019 submitted by the OP along with the written submissions on behalf of the respondent, it is clear that the consumer of CA no. 100057864 viz. namely Ms. Savitri Devi has not consumed the electricity after 12.06.2018.. The similar position is reflected in the other bills of 2019 and 2020 submitted by the OP. It is only fixed charges which are increasing and LPSC has been charged on it.
9. The OP has resisted the request of the complainant on the ground that consumer approached the Permanent Lok Adalat and there was an interim order on 26.04.2019 allowing the respondent an adjournment for filing revised bill after considering the 50% load w.e.f. 12.06.2018 (date of application by the consumer for reduction of load). On 09.10.2019, this matter was settled by PLA and it was ordered that an amount of R.s 61,730/- shall be paid by the petitioner on or before 21.10.2019.
10. Regulation 13 (1) stipulates regarding the Jurisdiction of the Forum


13. Limitation of Jurisdiction of the Forum

(1) The Forum shall not entertain a grievance if it pertains to the same subject matter for which any proceedings before any court, authority or any other Forum is pending or a decree, award or a final order has already been passed by any competent court, authority or forum

Regulation 53 stipulates regarding disconnection on consumer's request is extracted below:-

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53. Disconnection on Consumer's request:-

(1) In case consumer desires his supply to be disconnected, he shall apply at least 5 (five) days in advance to the Licensee in the format prescribed in the Commission's Order or as approved by the Commission from time to time: Provided that the Licensee may accept a notice of shorter period.

(2) The Licensee shall carryout a special reading and shall disconnect the supply on the specified date.

(3) The Licensee shall prepare final bill after adjustment of security deposit within 5 (five) days from the date of disconnection including all arrears up to the date of such billing, if any.

(4) Upon receipt of payment, the Licensee shall issue receipt with „Final Bill“ stamped on it. This receipt shall be treated as „No Dues Certificate“: Provided that if the payment is made online, within the due date, the Licensee shall issue no dues certificate to the consumer online.

(5) If the payment is not made, within the due date, the consumer shall be required to make the payment along with late payment surcharge, if any, at the counter of the Licensee only.

(6) In case the amount is to be refunded by the Licensee to the consumer, the Licensee shall issue no dues certificate along with the final bill and shall refund the balance security deposit alongwith accrued interest upto the date of such disconnection within 15 (fifteen) days through demand draft or electronic clearance system.

(7) Thereafter, the Licensee shall not have any right to recover any charge(s) whatsoever for any period prior to this date of billing.

11. This Forum has observed that there is no Regulation which bars the consumer for applying for disconnection of electricity connection after he has requested for load reduction, both Regulation 17 (3) and Regulation 53 are independent of each other. The OP cannot be allowed to take the ground that since the consumer has requested for load reduction he could not have applied for disconnection of electricity connection after two months of its load reduction request.

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12. Keeping the law stipulated in Regulation 53 in view, it will be just and fair if the aforesaid electricity connection is deemed disconnected w.e.f. 26.08.2018 (five days after the application dated 21.08.2018 for device removal). However, the matter was pending adjudication before PLA upto 09.10.2019 regarding load reduction. None of the parties raised the issue of disconnection and meter removal there. Therefore, in view of the facts given above, disconnection of the electricity connection may be deemed on the date of settlement in PLA i.e. 09.10.2019 and fixed charges thereafter for a period of six months as per DERC Regulation 19, may be charged from the complainant.

ORDER

The complaint is allowed. OP is directed to revise the bill of the complainant as above.

OP is further directed to file compliance report within 21 days from the date of this order.


The case is disposed off as above.

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


(S.R. KHAN)
MEMBER-TECH


(P K SINGH)
CHAIRMAN


(P.K.AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM

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(H.S. SOHAL)
MEMBER