



CA No. 152064157
Complaint No. 58/2021

In the matter of:

ShahnawazComplainant

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. Adarsh Kumar, Counsel of the complainant
2. Mr. Imran Siddiqi, On behalf of BYPL

ORDER

Date of Hearing: 14th July, 2021

Date of Order: 16th July, 2021

Order Pronounced by:- Mr. Arun P Singh, Chairman

Briefly stated facts of the case are that the respondent transferred dues of other CA No. to his live connection.

It is also his submission that he purchased property bearing no. C-100/14, GF, Kh.No. 170, Gali No. 11/4, Chauhan Banger, Delhi-110053 on 02.01.2017. He applied for new electricity connection and a new meter was installed vide CA No. 152064157 in his premises. The respondent on 01.01.2021 transferred dues amounting to Rs. 49,151/- to his live connection.

Harshali

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He further submitted he made various visits to the office of the respondent but no one paid any heed to his complaints. Therefore, he requested the Forum to direct the respondent company for immediate removal of the transferred dues.

Notices were issued to both the parties to appear before the Forum on 30.04.2021.

Due to an upsurge in Covid-19 second wave hearings in the Forum could not be conducted during the period 20.04.2021 to 10.06.2021.

The respondent submitted their reply submitted therein that Ca No. 152064157 is installed at property bearing no. C-100/14, GF, Khasra No. 170, Gali No. 11/4, Chauhan Banger, Delhi-110053. The dues of disconnected connection having CA No. 101387592 in the name of Hussain Jahan were transferred to the live connection having CA No. 152067157 in the name of Shahnwaz.

Respondent further added that the site of the complainant was visited on 23.09.2020 and as per site visit report the supply was used through the meter no. 35257307 having CA No. 152064157 in the name of Shahnwaz to disconnected portion of Hussain Jahan having CA No. 101387592. Accordingly, show cause notice was sent to Sh. Shahnwaz on 13.10.2020 vide no. DGM (B)/YVR/1612, but the consumer did not appear or file reply to the notice.

Again site visit was done on 23.10.2020 and the same position was found. Hence, the dues amounting to Rs. 48548.02 against disconnected CA No. 101387592 in the name of Hussain Jahan were transferred to CA no. 152064157 in the name of Sahanwaz on 08.01.2021.

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The complainant approached the division office and raised objection against the dues transfer and submitted the documents pertaining to the property which confirms that the complainant purchased the said property on 30.03.2015 and did not apply for new electricity connection as there was connection of Hussain Jahan already installed in the premises and when the connection of Hussain Jahan was disconnected on 25.08.2016 on account of non-payment of pending dues, the complainant in December 2016 applied for new connection and same was installed on 05.01.2017.

Matter was listed for hearing on 23.06.2021, when none was present on behalf of the complainant and respondent was asked to file property reply. Respondent also sought time for amicable resolution of the complaint, but the Forum requires K.No. files of the disconnected connections and complainant's connection and statement of account of the disconnected connection and all the running connections alongwith copy of the bills.

On hearing dated 30.06.2021, respondent sought some more time for filing documents due to some technical problem. On next date of hearing i.e. 07.07.2021, respondent submitted statement of accounts, but it was not clear. Respondent was further directed to file i) all the details of connections after January 2015, ii) Date of purchase of all the flats and iii) what is the bill amount of Hussain Jahan without LPSC.

The matter was finally heard on 14.07.2021, when respondent filed details as per the last directions of the Forum. Complainant's counsel submitted that dues should be transferred to all occupants of the premises. Arguments were heard and matter was reserved for orders.

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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An electricity connection CA no. 101387592 in the name of Hussain Jahan was energized in 1980 on property no. C-100/14A, Chauhan Banger, Shahdara, Delhi-110053. As per records submitted by the respondent this residential property was later on sub-divided in at least 12 number dwelling units (flats) and were sold to different persons during the period November 2014 to June 2016 and the owner/purchaser of these sub-divided property (flats) took electricity connections after a delay ranging from one month to twenty two months.

On the direction dated 07.07.2021 of the Forum, the respondent submitted a statement showing the date of purchase and date/CA numbers of the electricity connections for these sub-divided twelve number flats/dwelling units. The scrutiny of account statement for CA No. 101387592 in the name of Hussain Jahan shows that he stopped making regular bill payment against this electricity connection since May 2015 and the connection was disconnected in August 2016 and the respondent did not make efforts for the recovery of the pending dues for more than four years and also released connections in the twelve flats without recovering/claiming dues of the same site/premises. While provisions in the DERC Regulations require that applicant of the new electricity connection for the sub-divided property is liable to pay dues on pro-rata basis. The Sub-Regulation 10 (4) of the DERC Supply Code and Performance Standards 2017 is being reproduced as under:-

10. New and Existing Connections:-

(4) Sub-divided Property:- (i) Where property/premises have been legitimately subdivided, the owner/occupier of the respective portion of such sub-divided property shall be entitled to obtain independent connection in his name. (ii) The Licensee shall provide the connection, to the applicant of respective portion of the legitimately sub-divided property, on payment of outstanding dues on pro-

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rata basis for that portion, based on the area of such sub-division or as mentioned in sub-division agreement, and the Licensee shall not deny connection to such applicant on the ground that dues on the other portion(s) of such premises have not been paid, nor shall the Licensee demand record of last paid bills of other portion(s) from such applicant(s).

Thus the transfer of the entire dues of CA No. 101387592 to the complainant's electricity connection having CA no. 152064157 energized on 05.01.2017 on the sub-divided dwelling unit is against the provision in law and is arbitrary, hence, the respondent is directed

- To withdraw the dues transferred on the electricity connection having CA No. 152064157 in the name of complainant amounting to Rs. 48,548/- alongwith LPSC amounts charged in the subsequent electricity bills.
- The respondent is also directed to provide corrected/revised electricity bill to the complainant for CA No. 152064157 in his name within three weeks from the date of this order.
- Respondent is further directed to be careful in dues transfer matters and should ensure proper scrutiny of records available with them.

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.

The compliance should be reported within 30 days. The order is issued under the seal of Consumer Grievance Redressal Forum (BYPL).


(HARSHALI KAUR)
MEMBER (CRM)


(VINAY SINGH)
MEMBER (LAW)


(ARUN P SINGH)
CHAIRMAN