

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
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SECY/CHN/015/08NKS

CA No. 101320411
Complaint No. 22/2020

In the matter of:

Jamil AhmedComplainant

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. Adv. Lakshay Yadav, Counsel for the complainant
2. Mr. B.B. Sharma, Mr. Shiv Shankar Sharma & Mr. Jagatheesh Kannan, On behalf of BYPL

ORDER

Date of Hearing: 04th August, 2020

Date of Order: 07th August, 2020

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

Briefly stated facts of the case are that the respondent is regularly showing an amount of Rs. 74722/- as disputed in his bills.

It is also his submission that CA No. 101320411 is installed in his name at his premises no. D-85, Gali No. 12, Old Mustafabad, Delhi-110094. He is regularly paying his electricity bills as and when raised by the respondent.

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He further stated that the respondent is regularly showing an amount of Rs. 74722/- as disputed amount in his bills but the said amount has already been settled. Therefore, he requested the Forum to direct the respondent company for removal of disputed amount from his energy bills.

Notices were issued to both the parties to appear before the Forum on 21.07.2020.

The respondent company submitted their reply stating therein that Mr. Jamil Ahmed is registered consumer having domestic connection bearing CA No. 101320411 with sanctioned load of 1 KW. It was also submitted that earlier the said connection was on the basis of 'As is where is' basis or 'Doriwala' connection which was energized by the erstwhile DVB before privatization and till May 2007, the complainant has not paid his pending dues. On 07.02.2008, on the basis of scheme prevailing at that time the same connection was regularized vide meter no. 13873766.

Respondent also submitted that details of the pending dues, same are reproduced below:

01.08.2002 to 17.01.2008 - Energy Charge	21654.67
01.08.2002 to 17.01.2008 - Electricity Tax	802.28
01.08.2002 to 17.01.2008 - LPSC	20480.32
Total payable -	42937.27

Matter was heard on 21.07.2020, when the Forum directed that the disputed amount be kept in abeyance till the matter is pending in the Forum. Complainant was directed to pay the current demand on time. Matter was adjourned to 04.08.2020.

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The complainant submitted his rebuttal, retreating therein his original complaint and stating that Doriwala connection was installed by erstwhile DVB at his premises and he was regularly submitting the bills which were raised by the respondent. After installation of meter in the year 2008 the respondent raised him arbitrarily high bills.

The matter was finally heard on 04.08.2020, when arguments of both the parties were heard and matter was reserved for orders.

The main issue is whether the bill raised by the respondent regarding energy charges consumed is payable by the complainant or not.

In view of the above all facts, we came to know that initially the connection in question was 'Doriwala connection' or 'As is where is basis' connection. The complainant enjoyed the electricity since DVB time and was not paying the electricity charges and thereafter in July 2002 the respondent took over the electricity business from the erstwhile DVB, then also the complainant did not pay his bills.

The respondent will not charge the bills from the complainant pertaining to DVB period as decided by Hon'ble High Court of Delhi regarding the bill which pertains to DVB period not be charged by the respondent.

That Hon'ble High Court of Delhi, in the matter of Lalit Gulati Vs. Govt. of NCT of Delhi, the relevant portion is narrated below:-

2. By the said impugned Notification, the Lieutenant Governor („LG“) of the NCT of Delhi issued directions, in public interest, to the Delhi Electricity Regulatory Commissioner, as under:

“(1) direct the Discoms to write off the principal dues against sale of power

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during DESU/DVB period in respect of the private electricity consumers and to waive off their late payment surcharge as well pertaining to that period only, except the cases under litigation at any forum and at any level.

(2) direct the Discoms not to raise any bill on the private electricity consumers pertaining to sale of power in DESU/DVB period excluding the cases under litigation at any forum at any level.

(3) direct the Discoms to implement the above decisions (1) & (2) from the next immediate billing cycle."

The respondent electrified the area and energized the connection in 2008. There is negligence on the part of the respondent they have not charged this electricity consumption at the time of electrifying the area or putting into the permanent connection and keeping it pending till 12 years of converting into permanent connection.

So the energy charges from 01.08.2002 to 17.01.2008, the complainant is liable to pay the energy consumed by him and it cannot be waived off.

After going through the impugned decision of Delhi High Court in the matter of Izhar Ahmad & Anr. Vs. BSES Rajdhani Power Limited by Justice Manmohan on 02.03.2009, we are of the view that the consumer consumes electric energy. The electricity companies do not have to run around to recover their dues.

The respondent has submitted the revised bill before the Forum in which they are asking the complainant to pay Rs. 42937.27/-, details of the bill are as below:-

01.08.2002 to 17.01.2008 - Energy Charge	21654.67
01.08.2002 to 17.01.2008 - Electricity Tax	802.28
01.08.2002 to 17.01.2008 - LPSC	20480.32
Total payable	42937.27

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The Forum is of the opinion that there is negligence or deficiency of service on the part of respondent by not taking the electricity charges at the time of transferring from Doriwala connection to permanent connection pending for a long time, but the energy is consumed by the complainant and he is liable to pay.

The forum directs that:-


- The complainant is liable to pay Rs. 22456.95/- as energy charges.
- The LPSC amounting to Rs. 20480/- is waived off.
- Respondent is directed to take this amount in four equal monthly instalments along with current dues as per Section 49 of DERC Guidelines 2017.

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)


(ARUN P SINGH)
CHAIRMAN


(VINAY SINGH)
MEMBER (LEGAL)