



C A No. 152261761
Complaint No. 03/2020

In the matter of:

Vishal MalikComplainant

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. Vishal Malik, complainant
2. Mr. Imran Siddiqi, Mr. Vijay Pal Rana & Mr. B.B. Sharma,
On behalf of BYPL

ORDER

Date of Hearing: 24th February, 2019

Date of Order: 25th February, 2019

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

Briefly stated facts of this case are that the respondent company transferred dues of other disconnected connection to the live connection of the complainant.

It is his submission that till 13.11.19 he was receiving regular consumption bills but the bill dated 13.11.19 he received for Rs. 31,210/-, which is illegal and impugned.

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for

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The complainant further states that on enquiry with the respondent it came to his knowledge that an amount of Rs. 30,413.22/- of disconnected CA No. 152261761 in the name of Khusmita has been transferred to his live connection.

It is also his submission that in the year 2016-17, some dispute was raised regarding billing of CA No. 101569768, for which he deposited Rs. 35,000/- on 01.08.2017 on account of misuse, another amount of Rs. 24740/- was deposited on 02.08.17. Respondent again issued him a difference bill of Rs. 362.44/- which was also deposited by him on 10.08.2017. He also cleared the outstanding amount against CA No. 101545749 in the name of Sushmita Sharma of Rs. 25381/- on 25.07.2017 and Rs. 8000/- on 09.08.2017.

Further, it was stated that Khusmita was neither known to the complainant nor she was erstwhile owner of the property and the address of Khusmita is B 331, whereas he is residing at B431. He also added that meter of CA No. 101569768 in the name of Khusmita was removed by the BSES in June 2017, the bill dated 14.09.18 of CA No. 101569768 prevails for the period of charges since 11.02.2017 to 15.06.2018. Complainant also stated that there are three separate houses by the no of B 431 and whereas the erstwhile owner Sushmita Sharma remained owner of composite property of all three present houses. Therefore, he requested the Forum to direct the respondent for removal of transferred dues from his bill.

Notice was issued to both the parties to appear before the Forum on 20.01.2020.

The respondent company submitted their reply stating therein that an amount of Rs, 30413.22/- has been transferred to his non-domestic electric connection bearing CA no. 152261761. The dues are of disconnected CA No. 101569768 in the name of Khusmita for the period 10.02.17 to 15.06.18, till the reading 10,857. It was also submitted that the connection against CA No. 101569768 was energized in the year 1964.

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It was further added that complainant is the son of owner of property Ms. Indu Bala w/o Raghbir Singh Malik, having non-domestic connection vide CA No. 152261761 energized on 18.08.2017 after no-objection from his mother Ms. Indu Bala. It is also submitted that as per the site visit report, for old number B-331, new number is B-431. As far as the accuracy of the billing period of the amount Rs. 30413.22/- is concerned, it is found to be as per the procedure laid down under the DERC rules.

It is self admitted fact of the complainant that other dues of Khushmita were being settled by the complainant himself. Respondent also stated that Ms. Indu Bala applied for name change of the Khushmita's connection on 22.02.14, the same was denied on the ground of 'incomplete document'.

On the hearing dated 20.01.2020, the respondent company was directed to keep the disputed amount in abeyance till the final orders of the Forum. The respondent was also directed to restore the electricity supply of CA No. 152261761 in the name of Mr. Vishal Malik, which they have disconnected on 18.01.2020 during the pendency of the case in CGRF. It was also directed that if any other dues are pending other than the disputed amount, the same should be paid off by the complainant.

On the next hearing dated 29.01.2020, the respondent filed that the complainant's mother Ms. Indu Bala Tomar purchased the said property vide GPA dated 05.08.1992 from Ms. Sushmita. Respondent was further directed to file the documents to prove that B-331, Ashok Nagar, Shahdara and B-431 are the same premises. Both the parties were also directed to file written submission with documents regarding confirmation of mobile number, and respondent was further directed to file all the connections details of the said premises. It was

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also submitted that the entire premises belongs to Sushmita, which was further sub-divided by her and now total nine connections are there in the premises. The connection in the name of Khusmita (claimed to be Sushmita by the respondent) was energized in the year 1964, much before it was purchased by the complainant's mother and meter was removed from the same site as per respondent.

The matter was finally heard on 24.02.2020, when the respondent filed the site visit report dated 20.02.2020, which shows that B-431 has nine connections including two connections in the name of the complainant. Three other connections are in the name of family members of the complainant, i.e. sister, father and mother of the complainant.

Site report was also submitted by the respondent. It was stated in the site report dated 20.02.2020, that at the time of the visit, it was found that same building present, which was booked in misuse case. No other building of the same address at site found, Five meters were installed.

We have gone through the submissions made by both the parties. From the narration of facts and material placed before us we find :-

That the complainant (including his family members) has deposited the intimated/settled dues against connection CA No.101569768 and CA No.101545749 during the period 25.07.2017 to 09.08.2017 before getting new connection No.152261761 released in his name on 18.08.2017 (date of energization). We find that the disputed amount transferred to CA No.152261761 of the complainant are the dues of CA No. 101569768 in the name of Khusmita, B-331, Ashok Nagar, Shahdara, are not as per the provisions of the regulation as respondent themselves have admitted that there are total nine connections at the premises B-431/B-432 (claimed to be erstwhile B-331 by the respondent).

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Dues have been transferred without considering the fact that there are other connections also, which were part of erstwhile B-331, where the C.A. No. 101569760 was installed.

So, the transferred amount of Rs.30413.22 to the complainant is invalid and the Respondent is directed to withdraw it along with LPSC (if any) and provide revised bill to the complainant within two weeks from the date of this order. However, the respondent may re-process for recovery/transferring the dues against CA No. 101569760 in the name of Khusmita, on pro-rata basis.

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)


(ARUN P SINGH)
CHAIRMAN


(VINAY SINGH)
MEMBER (LEGAL)