



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: 8010939760
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SECY/CHN 015/08NKS

CA No. 152093824
Complaint No. 18/2021

In the matter of:

Manoj Kumar

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

1. Mrs. Suman, Counsel for the complainant
2. Mr. Imran Siddiqi, On behalf of BYPL

ORDER

Date of Hearing: 06th April, 2021

Date of Order: 07th April, 2021

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

Briefly stated facts of the case are that the respondent transferred dues of CA No. 152298420 to his live CA no. 152093824.

It is also his submission that he is user of electricity vide CA no. 152093824, under commercial category installed at his shop no. 56, E-Block, MCD Market, Punarvas Bazar, Nand Nagri, Delhi-110093. It is also his submission that respondent has transferred dues amounting to Rs. 7458.76/- of CA No. 152298420 in the name of Mohd Ragibul Islam to his above stated CA No.

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Therefore, he requested the Forum to direct the respondent company for removal of the said transferred dues and to accept only reading based bills. He also asked for legal expenses of Rs. 5,000/- and Rs. 10,000/- for mental harassment caused to him.

Notices were issued to both the parties to appear before Forum on 22.02.2021.

During hearing the respondent submitted that on inspection of the premises complainant is unauthorisedly/illegally providing electricity to his neighbor Mohd. Ragibul Islam. The counsel of the complainant was directed to lodge FIR, if the electricity is being used by the neighbor against the wishes of the complainant.

The respondent company submitted that complainant i.e. Sh. Manoj Kumar is owner of shop no. 56, E-block, MCD Market, Punarvas Bazar, Nand Nagri, Delhi-110093 and using electricity supply from CA no. 152093824 with tariff category non-domestic with sanctioned load 1 KVA.

Respondent further added that an inspection was carried out at complainant's shop on 05.08.2020 and it was found that electricity supply sanctioned through CA No. 152093824 was found to be restoring the electric supply to shop no. 61, GF, Punarvas Bazar, Near Gagan Cinema, Nand Nagri, Delhi-110093, in the name of Mohd. Ragibul Islam where one electricity connection bearing CA No. 152298420 was disconnected on 17.07.2020 due to non-payment of dues amounting to Rs. 7462.96/-.

Thereafter, second site visit was also done on 27.08.2020; again it was found that illegal transfer of electricity supply was still being continued. It is further added that a notice for illegal extension of supply was delivered to the

Manoj Kumar

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complainant on 10.08.2020 vide speed post. After serving notice to the complainant the dues of Mohd Ragibul Islam were transferred to the live connection of complainant.

Respondent vide their mail dated 10.03.2021, submitted site visit report stating therein that *"at the time of visit it is found that Shop no. 61, is using supply direct by pole and no meter found at site. But at the time of previous site visit the consumer was using supply through shop no. 56-E and meter no. 70223818. Difference between both the shops is approx 10 meters"*.

The matter was finally heard on 12.03.2021, when respondent submitted site visit report alongwith color photographs. Respondent stated that it is not clear to them when the meter was removed and if there was any wire connected/disconnected at that time. Respondent was asked to verify /clear all these aspects within two working days.

As per the interim order dated 12.03.2021, both the parties have not submitted the information. Therefore, the respondent was again directed to provide revised bill for electricity consumption by the complainant, i.e. after removing the transferred amount and LPSC amount, within 10 days and the complainant shall pay this revised bill within one week from the date of receipt of the bill and thereafter continue to pay regular consumption bills till final orders. The respondent was also directed to explain why notice to the complainant was sent on address other than billing address and submit the K.N. file of both the connections. The complainant was also directed to submit point wise position on the points raised by respondent in their reply.

The respondent vide their e-mail dated 16.03.2021 submitted that the connection having CA No. 152298420 was disconnected on 17.07.2020 and

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subsequently on dated 05.08.2020 a site inspection was done and found that CA No. 152093824 of complainant was found to be providing electricity to the shop where connection was lying disconnected since 05.08.2020.

The matter was finally heard on 06.04.2021, when arguments of both the parties 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 that

Shop No. 61, E-block MCD Market, Punarwas Bazar, Nand Nagri had electricity connection having CA no. 152298420 in the name of Mohd Raghbul Islam last paid electricity dues in February 2019 and this connection was disconnected on account of non-payment of electricity dues in December 2019 (as per account statement submitted by the respondent as consumption from December 2019 to July 2020 has been shown Zero) but as per submission by respondent they have shown disconnection in July 2020 (17.07.2020) due to non-payment of outstanding dues amounting to Rs. 7462.96 and that during the inspection by them on 05.08.2020, they found that this connection was supplied electricity from the extension from outside shop no. 56 (after the meter and at a distance of 5 shops) CA No. 152093824 in the name of complainant. The copy of inspection report submitted does not bear the signature of the complainant or any witness and also mentions that the meter no. 70011164 of Mohd Ragibul Islam was found installed there in disconnected condition. The respondent sent notice to the complainant by speed post dated 14.08.2020. The respondent has further submitted on 27.08.2020, again they found that this extension of supply was there (and again the inspection report is not signed by the complainant or any witness). The respondent transferred the dues as per provisions of Regulations 52 (3) of the DERC (Supply code and Performance Standards) Regulations 2017, which is given below:

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52. Prevention from Unauthorized Reconnection:-

(3) In case the consumer indulges in unauthorized reconnection from the supply of any other consumer, the Licensee may initiate action as per provisions of unauthorized use of electricity against such consumer who has provided the supply

Provided that the pending dues of disconnected connection shall be transferred to the account of consumer allowing such connection.

Accordingly, ~~dues~~ dues may be transferred to the account of consumer allowing such connection, but as per records/submissions by the respondent could not establish conclusively that extension of the supply to Shop No. 61 of Mohd Ragibul Islam was allowed by the complainant and also as per report by the respondent dated 08.03.2021 shop no. 61 of Mohd Ragibul Islam was found using electricity directly from pole i.e. Mohd Ragibul Islam was involved in theft of electricity.

Hence, in our considered opinion a dishonest consumer like Mohd Raghbul Islam Should not be given benefit by allowing payment of the electricity consumed by him by any third party/complainant. The respondent has also shown laxity in recovering dues from Mohd Ragibul Islam and timely finalizing the permanent disconnection/removal of meter from the electricity connection in the name of Mohd Raghbul Islam (disconnected in the month of December 2019). Therefore we direct the respondent to recover the dues of electricity consumed by Mohd Ragibul Islam from him along with assessment for the electricity theft as per rules.

The respondent is directed to withdraw the transferred amount of Rs. 7462.96 along with LPSC from electricity connection CA No. 152093824 in the name of the complainant and provide revised bill to the complainant within two weeks from the date of this order.

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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