

C A No. Applied For
Complaint No. 40/2019

In the matter of:

KaranComplainant

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. Complainant
2. Mr. Imran Siddiqi, Mr. Narander Sajwan & Mr. Achal Rathi, On behalf of BYPL

ORDER

Date of Hearing: 24th September, 2019

Date of Order: 26th September, 2019

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

The complainant lodged a complaint in CGRF regarding new connection. The complainant stated that "we need at least 2 electricity meters at our residence as there are 4 separate families staying in that property. Following is the Request number: 008003291564 against which no action has been taken and we already paid some amount to your staff members to take our work to executive level."

Harshali Kaur

Imran Siddiqi

Achal Rathi

Complaint No. 40/2019

Notice was issued to both the parties to appear before the Forum on 16.08.19. The respondent has filed a reply on dated 16.08.19 as under:-

"The complainant applied for new connection vide No.8003291564 dated 24.04.18 for the second floor of the premises in issue. However, when it was pointed out that as the building is sanctioned for double story and as such the connection for Second Floor is not possible then the complainant requested to change the floor to ground floor for new connection.

Accordingly, the site was visited and on site visit the meter No.11989963 vide CA No.101187227 was found installed at premises in issue. The registered address for this CA No. is Bhoopat Singh, 191, Seelampur, Delhi-110053. It is submitted that the premises in issue is a double story building wherein the ground floor has number 191 whereas first floor is numbered as 192. Thus on GF as already one electricity connection exists, the other electricity connection cannot be granted.

On verification, it was further found that the applicant has shifted his old meter to the adjacent illegal built up extended portion of the same premises and is now seeking new connection on the original portion allotted to his grandfather, on the basis of NOC and affidavit of his father Mr. Ram Chander who claims to be the sole legal heir of Mr. Bhoopat Singh. However, no proof of death or other legal heir of Mr. Bhoopat Singh has been given by Shri Ram Chander. Thus, no new connection can be granted. The respondent reserves its right to take legal action against the complainant as meter has been illegally shifted."

As per directions of the Forum, the respondent visited the site on 30.08.19 and according to site inspection report, there are two kitchens, one is the main kitchen and the other is a temporary kitchen on the table. There is one main entry.

Handwritten signature

Handwritten signature

Handwritten signature

Complaint No. 40/2019

The father and brother of the complainant were also present before the Forum on 18.09.19 and stated that they had no objection if the new connection is granted to Shri Karan. We directed the complainant to file a colour photograph of the house alongwith a sketch showing that there are two separate entries.

The respondent filed a DDA allotment letter alongwith their reply which shows that this one bed room house is allotted by DDA to the complainant's Grandfather Shri Bhopal Singh under DDA JJ Removal Scheme.

On 24.09.19 arguments of both the parties heard. As per Chapter III New and Existing Connections 10(1)(vi) of DERC Supply Code and Performance Standards 2018, *"wherever one dwelling unit has been sub-divided and separate kitchen as well as separate entry is available, second electric connection may be given to the lawful occupant."*

Further, as per 10(4)(i) of the above Regulations, *"where property/premises have been legitimately sub-divided, the owner/occupier of the respective portion of such sub-divided property shall be entitled to obtain independent connection in his name."*

After hearing both the parties, we came to the conclusion that the property is not sub-divided. Death certificate of the Grandfather of the complainant is not available. It is also not clear whether he is alive or not, and it does not show that Ramchander the Father of the complainant is the sole legal heir of the property. The father of the complainant stays in the same property with his two sons. The existing connection is in the name of Grandfather and still not transferred to the name of complainant or his father and it is also not clear that the father of the complainant is legal heir.

Shashi

[Handwritten signature]

Complaint No. 40/2019

We are of the opinion:-

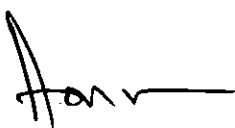
- That there is single dwelling unit allotted by DDA which consists of one bedroom and one main entry under DDA J.J. Removal Scheme on 28.08.2008.
- That as per DERC Guideline 10(1)(vi) another connection cannot be provided to the complainant because it is single dwelling unit.


In view of the above the connection can not be granted as per DERC Guideline 10(1)(vi).

Case is disposed off as above.

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


(HARSHALI KAUR)
MEMBER (CRM)


(ARUN P SINGH)
CHAIRMAN


(VINAY SINGH)
MEMBER (LEGAL)