



CA No. Applied For
Complaint No. 15/2021

In the matter of:

Anil KumarComplainant

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. Anil Kumar, Complainant
2. Mr. Imran Siddiqi, On behalf of BYPL

ORDER

Date of Hearing: 02nd March, 2021

Date of Order: 04th March, 2021

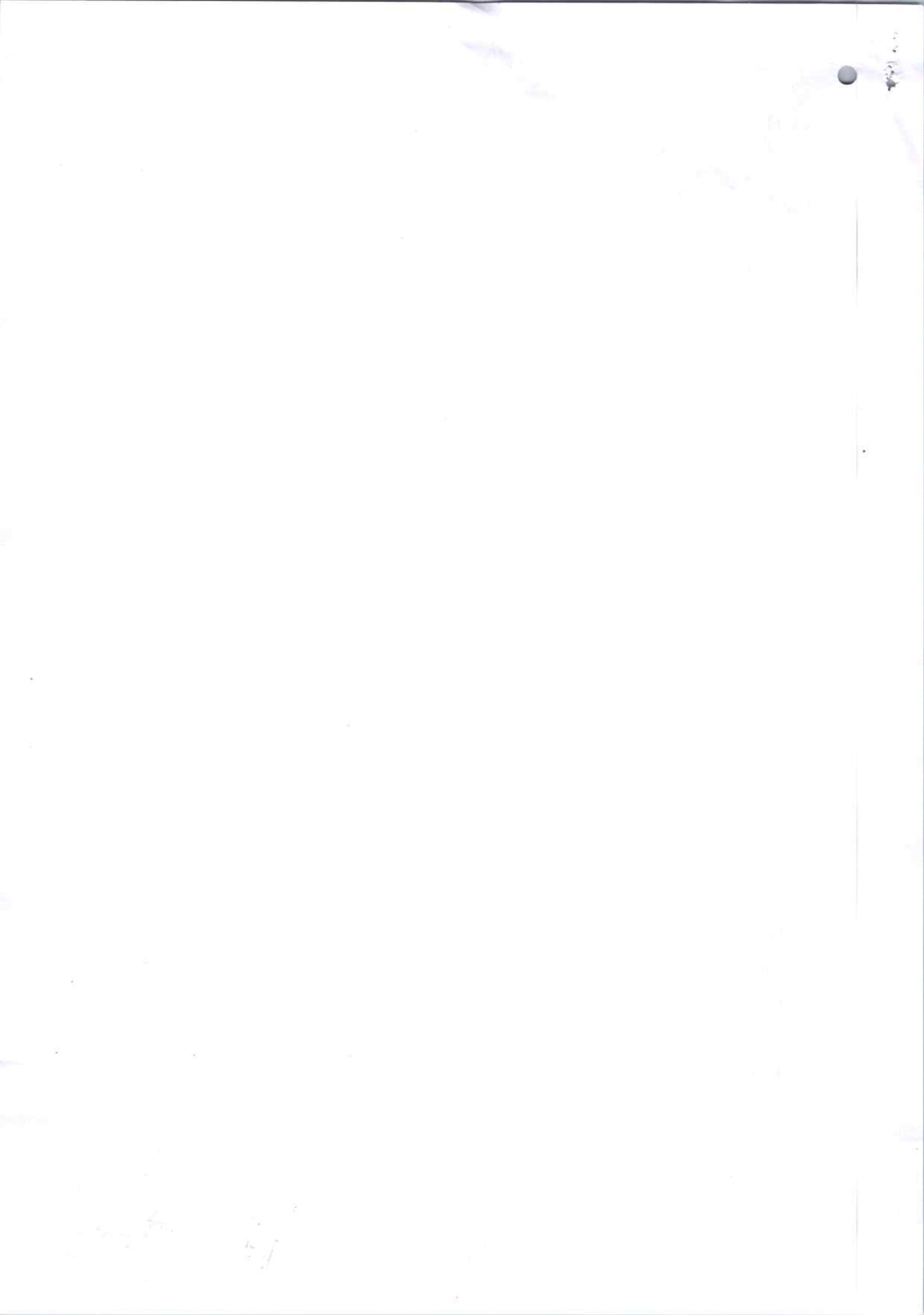
Order Pronounced by:- Mrs. Vinay Singh, Member (Legal)

Briefly stated facts of the case are that the complainant applied for new connection vide request no. 8004620512, but the respondent company rejected her application for new connection.

It is also his submission that he is residing at 33/121, Trilok Puri, Delhi-110091 and applied for new connection vide request no. 8004620512 dated 30.10.2020. He further submitted that the respondent did site visit at his above said premises and rejected his application for new connection on grounds of no

Harshali Kaur

Imran Siddiqi



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Separate kitchen at second floor and there is a tree in front of his house. Following the objections of the respondent, he made a separate kitchen and again requested for site visit, now the respondent raised other objections that premises falls under Yamuna River Belt Zone-O, and also premises of complainant falls near HT line.

He again approached respondent on 07.01.2021, when raised new objection that there is no separate kitchen at first floor, but he had applied for new connection at the second floor of the premises. Therefore, he requested the Forum to direct the respondent company for immediate release of the new connection.

Notices were issued to both the parties to appear before Forum on 16.02.2021.

On the hearing the respondent filed their reply and complainant filed NOC from the owner, same is not admissible. Complainant was directed to file rent agreement, affidavit and property documents. Respondent was also directed to file K.No. files of both the connections, which are installed at ground floor and first floor of the premises in question.

The respondent company submitted their reply stating therein that the complainant applied for new electricity connection vide request no. 8004620512 on dated 30.10.2020 at premises no. 33/121, Trilok Puri, Delhi-110091 for domestic purpose. On site verification it was found that premises is G+2 and already two meters exists and only two kitchen/dwelling unit available at ground floor and second floor and no separate dwelling unit available at first floor of the site, so connection is not feasible as such the deficiency/rejected letter was issued to the complainant.

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Respondent further added that as per provision of Regulation 10 (1) (vi) of DERC (Supply code and performance standards) Regulations 2017, no domestic connection can be given to the consumer without one dwelling unit. Hence on said deficiency release of new electricity connection is not possible.

The matter was finally heard on 02.03.2021, when both the parties were present and respondent filed K.No. files. Complainant already had two connections and is asked for third connection. 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 are find that the complainant applied for new electricity connection at second floor of premise no. 33/121, Trilok Puri, Delhi-110091.

That already two electricity connections are installed in the said premises one in the name of complainant at the first floor which was released in the year 2015 and other in name of his father i.e. Bodh Raj at the ground floor of the premises which was released in the year 1986, and the connection at first floor was granted for jointly use at first floor and second floor.

That as per the site visit report of the respondent there is no separate dwelling unit (no kitchen).

As per Chapter III New and Existing Connections 10(1)(vi) of DERC Supply Code and Performance Standards 2017, *"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."*

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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.*"

We have also been through the judgment of Hon'ble Justice Kailash Gambhir, Judge of Hon'ble High Court of Delhi in W P C No. 3132/2010 where he stated as under:-

"That the electricity being an essential amenity cannot be denied to the petitioner.

In the matter of Durga Rani Singh Vs WBSDCL, 9 May 2016 Calcutta High Court, "A person is settled occupier of any premises is entitled to get electricity connection. The right to get electricity is considered as an extended Fundamental Right.

After going through all the material aspect that electric connections is already in existence and supply is there, no darkness is in the house, but if complainant fulfill all the conditions of DERC guidelines, the respondent is duty bound to supply the electricity connection.

So, we direct the respondent as under

- Respondent is directed to release the connection to the complainant if he fulfills all the commercial formalities as per DERC Guidelines 2017 along with separate kitchen and separate entry for the second floor.

The case is disposed off accordingly.



(HARSHALI KAUR)
MEMBER (CRM)



(VINAY SINGH)
MEMBER (LAW)



(ARUN P SINGH)
CHAIRMAN

