



C A No. Applied For
Complaint No. 77/2023

In the matter of:

Gulzar QureshiComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmed Alvi, Member (CRM)
3. Mr. P.K. Agrawal, Member (Legal)
4. Mr. S.R. Khan, Member (Technical)

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Ms. Shweta Bist, Ms. Shweta Chaudhary Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 23rd May, 2023

Date of Order: 24th May, 2023

Order Pronounced By:- Mr. P.K. Singh, Chairman

1. As per complaint, the complainant applied for new electricity connection at premises no. 7637, Gali Darogawali, Quersh Nagar, Sadar Bazar, Delhi-110006 vide request no. 8006083027, but respondent rejected the application of the complainant for new connection due to the fact that electricity connection already exists at ground floor of the applied premises.

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Therefore, he requested the Forum to direct the respondent for grant of his application for new connection.

2. OP in its reply briefly submitted that the complainant is seeking new non-domestic connection for ground floor of premises bearing no. 7637, Gali Darga Wali, Qasab Pura, Sadar Bazar, Delhi vide request no. 8006083027.

OP further added that site of the complainant was visited and as per site report at ground floor two units exists which are having two separate electricity connection through meters bearing no's 35512317 and 70064680.

It is also their submission that in the applied portion supply is used through meter no. 35512317 having CA No. 100528502 registered in the name of Mohd Yamin. The said connection was energized on 24.10.1960 for domestic purpose. As apparently usage is non-domestic complainant is advised to get the tariff category changed from domestic to non domestic.

3. Counsel of the complainant rebutted the contentions of OP as averred in their reply and submitted that there are two separate connections and one of them has concern with the complainant vide CA No. 100528502 meter no. 3551231 installed at 7637, Gali Dogra, Gulam Rasul, Kasabpura, Sadar bazaar, Delhi and another connection vide CA No. 100529382 meter no. 70064680 installed at 7636-G, Gali Dogra Gulam Rasul, Kasabpura, Sadar Bazar, Delhi and the complainant applied for third unit in property no. 7637.

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4. LR of the OP submitted that there is no separate dwelling unit on the ground floor of the premises and already two electricity connections are there in the applied premises therefore, new connection is not possible. The complainant can apply for category change from domestic to non-domestic of the existing connection.

5. From the pleading of both the parties and material placed on record it is transpired that the new connection has been applied by the complainant on premises no. 7637 under non-domestic category where already a domestic connection is energized in the name of Mohd Yamin. Respondent pleaded that two connections already exists in the applied premises. The meter numbers provided by the respondent were checked with the bills provided by the complainant and it shows that meter no. 35512317 is installed in 7637 in the name of Mohd Yamin. Meter no. 70064680 is installed in 7636 in the name of Mohd Yusuf. Therefore, OP's contention that already two meters are installed in the applied premises does not substantiate here,

6. There is only one connection in premises no. 7637 and under domestic category. Now the question is that if one domestic electricity connection is energized in premises no. 7637 of complainant the second non-domestic connection can be given to the complainant. In this reference provision of DERC Regulations 10 is as follows:

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NEW AND EXISTING CONNECTIONS 10. New and Existing Connections:-

(1) General:-

(v) On the request of applicant, an independent electric connection shall be given to the owner/lawful occupant on each floor of the premises.

(vi) 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.

7. Admittedly the premise 7637 is only one separate unit consisting of two bed rooms, 1 kitchen, 1 toilet and single entrance. As per above rule ~~if~~ on the request of applicant, an independent electric connection can be given to the complainant on each floor of the premises and if one dwelling unit has been sub-divided and separate kitchen as well as separate entry is available, ^{then only} second electric connection may be given to the lawful occupant. But it is not the case of the complainant that his one dwelling unit is sub-divided in two parts and he has prayed for new electric connection in sub-divided unit. The complainant's case is he wants additional non-domestic connection along with domestic connection.

8. Complainant fails to draw our attention on the provision that despite one domestic connection one non-domestic connection can be given for this purpose. Complainant may apply for category changed. As far as complainant's argument that several connection of this type has been given by OP within one premise it is categorically mentioned by Delhi High Court in the following matter.

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[Handwritten signatures]

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
9. In this regard, Hon'ble Delhi High Court in the case of W.P. (c) 2453/2019 has held "However, merely because some of the occupants of the building have wrongly been given an electricity connection, it cannot be ground for the court to direct respondents' no. 2 and 3 to further compound the wrong act and direct granting of a new electricity connection to the premises of the petition which is located in the building whose height is more than 15 meters."


ORDER

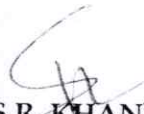
On the basis of aforesaid facts and circumstances we reject the complaint of the complainant and advise him to apply for category change for the domestic connection installed in the applied premises.

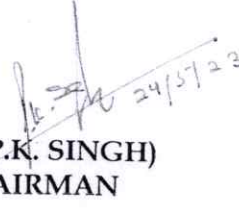
The case is disposed off as above.

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


(NISHAT A. ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


(S.R. KHAN)
MEMBER (TECH.)


(P.K. SINGH)
CHAIRMAN

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