

C A No. Applied for  
Complaint No. 200/2022

In the matter of:

Maheshwari Devi & Saroj .....Complainant

VERSUS

BSES Yamuna Power Limited .....Respondent

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. Prem Singh, A.R. of the complainant
2. Mr. Imran Siddiqi, Ms. Ritu Gupta & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 06<sup>th</sup> December, 2022  
Date of Order: 14<sup>th</sup> December, 2022





Order Pronounced By:- Mr. Nishat Ahmed Alvi, Member (CRM)

1. Present complaint has been filed by the complainant alleging that complainant's application for new connection has been rejected on the pretext of pole encroachment. Complainant, pleading that respondent has wrongly concluded that he has encroached the pole, has prayed this Forum for grant of his complaint by issuing directions to the respondent to allow his applications for new connection.

*(Handwritten signatures)*

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2. The complainant in her complaint stated that she is a 75 years old widow. She applied for new connection vide request no. 8005472721 and 8005472690 at her premises no. B-75, First floor and Second Floor, Kh.no. 16, Kotla Village, Delhi-110091. She further submitted that respondent rejected her application for new connection on the pretext of "pole encroachment", which is wrong. Infact the pole OP is taking plea of encroachment whereof, is in front of other premises bearing no. B-76, Khasra No. 16, Kotla Village, Delhi-110091 and not on the applied premises. Therefore, plea of pole encroachment being baseless, the OP has no reason to reject complainant's connection in her premises and has prayed for directions to OP to grant new connection.
3. Respondent in its reply briefly stated that complainant is seeking new electricity connection vide application no. 8005472690 and 8005472721 at B-75, Kotla Village, Delhi for domestic purpose. During site verification it was found that electricity pole was encroached on account of unauthorized construction in the form of extended chajjas. The building structure consists of G+4 floors. The plot B-75 and B-76 are joined together as one property. On account of unauthorized construction there is violation of provisions of Regulation 60 & 61 of the CEA (measures relating to Safety and Electric Supply) Regulations, 2010 and Section 53 & 68 (5) read with Section 161 of the Electricity Act, 2003.
4. Heard both the parties and perused the record.
5. The issue in this matter is can new connection be released in the premises in which OP alleged pole is encroached.

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6. Heard the arguments of Authorized Representative of the complainant and OP-BYPL. Representative of the complainant stated that premise no. B-76 and B-75 are not one and the same but two different premises bearing separate number. Besides, the pole, OP is taking plea of encroachment whereof, is in-front, of premises no. B-76, aforesaid and not of, the applied premises. Not only this, the OP has already provided electric connection in the very premises no. B-76, aforesaid even there being pole encroachment. In support whereof complainant has placed on record a bill issued by OP in the name of one Satinder Singh via CA no. 151714777 dated 09.09.2022 which also shows the same pole no. as is depicted on the photographs of pole placed on record.
7. In this record, LR of OP submitted that as per their site visit report the pole is encroached at B-76 side of the premises. The plots B-75 and B-76 are joint. The site has one common entry which leads to both B-75 & B-76, have separate entry also. Electricity connection to complainant cannot be given in view of Safety Regulations in 79 & 80 of Electricity Rules 1956 and Rule 60 of Central Electricity Authority (Measures relating to safety and electric supply) Regulations 2010.
8. As per contentions of both the parties we observe that main defense of OP in rejecting the subject connection is that both nos of premises are one and the same and there is pole encroachment in front thereof. So far as the question of the plea of violation of Rules 79 & 80 of Electricity Rules 1956, Regulations 60 of Central Electricity Authority (measures relating to safety and electric supply) 2010 is concerned it is relevant only ~~that~~ if OP establishes that the pole concerned was in-front of the applied premises.

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9. Going through the photographs and visit report and pleadings on record and after hearing both the parties we find that no doubt both premises have one common entry but at the same time applied premises has its separate entry independent of premises no. B-76, aforesaid and also separate Kitchen. We also find that the pole in question is in front of ~~applied~~ premises no. B-76 aforesaid and not, of applied premises. Thus, both the pleas of OP have no force in the eyes of law and we conclude that the applied premises is distinct and separate with other premises i.e. B-76, aforesaid which cannot be a valid reason for rejection for awarding new electricity connection in B-75 aforesaid. Once it is proved that there is no pole encroachment in front of applied premises, we don't find it necessary to consider where the particular Rules and Regulations will be violated or not.
10. In the facts and circumstances aforesaid we are of considered view that there is no violation of Rules and Regulations as taken pleas of and OP is not justified in rejecting the application of the complainant in premises no. B-75, first floor and second floor, Kh. No. 16, Kotla Village, Delhi-110091. Hence, allowing complainant's complaint we direct the OP to grant the Electricity connections in the name of complainant on first and second floor of the premises no. B-75, first floor and second floor, Kh. No. 16, Kotla Village, Delhi-110091 after completion of all the commercial formalities.

*[Handwritten signatures]*

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ORDER


The complaint is allowed. OP is directed to release the new connections applied by the complainant at premise no. B-75, first floor and second floor after fulfillment of all the commercial formalities as per DERC Regulations 2017.


The OP is also directed to file compliance report within 21 days from the date of this order.


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.R. SINGH)  
CHAIRMAN  
14/12/22