



C A No. 152937510
Complaint No. 63/2021

In the matter of:

Sunil Kumar GoyalComplainant

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. Priyank Sumil Garg, A.R. of the Complainant
2. Mr. Imran Siddiqi, On behalf of BYPL

ORDER

Date of Hearing: 14th July, 2021

Date of Order: 20th July, 2021

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

Briefly stated facts of the case are that the respondent has not given subsidy in the electricity bill as per order no. F.11(111)/2012/Power/Vol-II/2098 dated 07.08.2019.

It is also his submission that he is having an electricity connection vide CA No. 152937510 at premises no. 41/19, Gali No. 1, East Azad Nagar, Delhi-110051 under domestic category and sub-category for separate meter for staircase. It is

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also his submission that he is using electricity through the said connection since October 2019. He also submits the monthly consumption chart from 20.12.2019 to 20.01.2021. He further submits that his monthly consumption is less than 200 units, and he is eligible for subsidy given by the Government of National Capital Territory of Delhi, Department of Power, by its order no. F.11(111)/2012/Power/Vol*II/2098 dated 07.08.2019.

He also adds that as per the said order he is eligible for the subsidy as his consumption is less than 200 units per month. Therefore, he requests the Forum to direct the respondent company for granting him subsidy in electricity bills as per the Government of NCT of Delhi order.

Notices were issued to both the parties to appear before the Forum on 07.07.2021.

The respondent submitted their reply stating therein that present complaint is in regard to CA NO. 152937510 in the name of Sh. Sunil Kumar Goyal, at 41/19, Gali No. 1, East Azad Nagar, Delhi-110051. Complainant has raised issue of subsidy in his electricity bill against the meter installed for staircase. Respondent further added that subject premises is having Ground+4 floors (parking, UGF, FF, SF and TF) and as such there are four dwelling units and all four are getting subsidy as per rule. The said connection is installed/released for staircase purpose only and benefit of subsidy is not for the connections released under the staircase category.

It is also their submission that DERC letter no. F-3(211) tariff/DERC/2007-08 dated 20.03.2008 is clear subsidy be allowed only for domestic consumers mentioned in 4(i)a (i), 4(i)a (iii), staircase lighting in residential flats which separately metered and order no. 2098 dated 07.08.2019 of the Deputy Secretary (Power) also issued regarding implementation/distribution of subsidy to residential consumers of Delhi.

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The matter was listed for hearing on 07.07.2021, when complainant was present but he is not a registered consumer. Complainant was directed to file authority letter. Respondent was also directed to conduct enquiry and check details of all the connections including load and used in what apparatus or where and for what purpose the connections were taken.

The complainant submitted his authority letter from the registered consumer of the respondent.

The respondent company also submitted site visit report submitting therein that at the time of visit, the said premises are constructed from Ground+ 4 floors. Meter no. 17145980 use at Ground Floor in car parking, lift, and bathroom and stair case of the premises. Four other meters are also installed and use at all other floors connected load of the meter are lift + fan +cooler + CFL. Approx. 10X10 sq open area use by Guard for domestic purpose.

The main issue in the present complaint is whether the subsidy can be granted or not.

In the present complaint, the complainant wants subsidy on the separate connection having CA No. 152937510, installed in his premises for a load of 11 KW under domestic category for staircase purpose energized on 07.10.2019. The complainant already has four meters of 2 KW load each and enjoying the subsidy on all the separate four connections. The applied meter of above CA no. of 11 KW is used for parking, staircase, lift and toilet. The approval for lift using this electric connection was not submitted to the respondent. At the time when meter was energized in the year 2019, the lift was in process of installation. Lift using certificate is not submitted to the respondent by the complainant. No permission was taken by the complainant for using this connection for lift purpose.

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Subsidy for common area like stair case and parking is not allowed as per DERC notification and Delhi Government notification mentioned below:

DERC Notification dated 18.04.2007, Chapter-II, System of Supply and Classification of Supply, Sub-Regulation 4, Classification of Supply:- the Voltage of supply and number of phases shall be determined by the Licensee depending on the Contract Demand/Sanctioned load of the consumer.

- (i) Domestic Connection
 - (a) Connections under this category are provided for consumers as specified below:
 - (i) Residential consumers
 - (ii) Hostels of recognised/aided institutions of Municipal Corporation of Delhi or Govt. of the NCT of Delhi.
 - (iii) Staircase lighting in residential flats separately metered.

DERC Tariff order n. F.3(211)/tariff/DERC/2007-08/4885 dated 20.03.2008 also states

The undersigned is directed to say that the Government of NCT of Delhi has conveyed vide their letter no. F-11(08)/2008/Power/656 dated 20.03.2008 copy enclosed, to grant subsidy under Section 65 of the Electricity Act 2003 as follows:

- (i) For domestic consumers and agricultural consumers to neutralize the tariff caused by the new MYT tariff order over and above the tariff level of 2004-06.
- (ii) For all domestic consumers consuming upto 150/200 units of power per month.

Government of National Capital Territory of Delhi, (Department of Power) order no. F.11(111)/2012/Power/Vol-II/2098 dated 07.08.2012 also narrated below:

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- iv) DERC to provide trued up figures of subsidy released by GNCTD to the DISCOMs for the purpose.
- v) DERC to see the fact through DISCOMs that electricity connections are not getting spitted by the consumers in the same premises owner use to avail the benefit of subsidy. Appropriate administrative check and balances be put in place to see that genuine consumers are getting the benefits of subsidy.
- vi) DERC to conduct special audit through external auditor of subsidy released to DISCOs vis-à-vis actually passed on to the account.
- vii) No subsidy shall be provided to domestic consumers consuming more than 400 units per month.

As per the inspection dated 07.07.2021 as per the direction of the Forum the complainant is using the electricity connection without the approval from the respondent for lift and parking. (the connection for the common area is not entitled for any subsidy.

As per DERC notification and Delhi Government orders stated above, we are of considered opinion the complainant is not entitled for subsidy on electricity use in common area and stair case lighting through separate connection having CA no. 152937510.

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.


(HARSHALI KAUR)
MEMBER (CRM)


(VINAY SINGH)
MEMBER (LAW)


(ARUN P SINGH)
CHAIRMAN