



C A No. 153091704
Complaint No. 11/2021

In the matter of:

Monu SainiComplainant

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. No one on behalf of the complainant
2. Mr. Imran Siddiqi, On behalf of BYPL

ORDER

Date of Hearing: 26th February, 2021

Date of Order: 02nd March, 2021

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

Briefly stated facts of the case are that the complainant applied for load enhancement from 11 KW to 52 KW, but respondent is asking for space for sub-station although the area is below 500 sq. yards.

It is further submitted that he is using electricity through CA No. 153091704 and applied for load enhancement form 11 KW to 52 KW, but the respondent company rejected his application for load enhancement on the ground of requirement of space for sub-station. He further submitted that his plot size is less than 500 sq yards.

Harshali Kaur

Monu Saini

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Therefore, he requested the Forum to direct the respondent company for load enhancement from 11 KW to 52 KW.

Notices were issued to both the parties to appear before the Forum on 05.02.2021.

The respondent company submitted their reply stating therein that complainant applied for enhancement of load from 11 KW to 52 KW against CA No. 153091704 on 16.09.2020. In respect to the same the respondent issued letter dated 05.10.2020, 28.10.2020 and 19.11.2020, where in it was stated as under:

- a. The plot area as per GPA dated 09.06.2020 is 500 sq yards (420 sq meter) and as pr GPA dated 22.08.1997 is 1000 sq. yards (840 sq meter). But at site there is no demarcation as per occupancy proof submitted and the premises is approximately 2000 sq. yards area with two common entry gate. Accordingly, as per clause 6 (4) of Schedule of Charge and procedure under DERC (Supply code and Performance Standards) Regulations 2017, the consumer was asked to provide space for development of substation as per SDMC order dated 30.03.2017 as mentioned in DERC Regulations 2017 for further processing of the application of the complainant.

The application for the load enhancement has to be treated as an application or new connection. The relevant provisions are quoted herein below:

17. Existing connections:-

(2) Load Enhancement on the request of consumer:-

- (i) The applicant shall apply for load enhancement in the format notified in the Commission's Orders.
- (ii) The procedure as laid down in Regulation 11 for release of electricity connection shall be followed.



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Schedule of charges and the procedure under Delhi Electricity Regulatory commission (Supply code and Performance Standards) Regulations, 2017.
Order date 31.08.2017

"The Delhi Electricity Regulatory Commission in exercise of its powers under Regulation 84 of Delhi Electricity Regulatory Commission (Supply Code and Performance Standards), Regulations 2017, hereby prescribes the schedule charges and the procedure in regard to implementation of Delhi Electricity Regulatory Commission (Supply Code and Performance Standards) Regulations, 2017.

South DMC/0148/SE(B)HQ/Addl. Coml/17 dated 30.03.2017 notified by South Delhi Municipal Corporation or as amended from time to time, annexed at Schedule I:

Provided further that the existing consumer shall also be required to provide the space as above, in the event of:

- (i) Enhancement of existing load on account of additional construction in the premises and consequently the total built up area exceeds 1000 sqm of the plot/building or their total LT service connections demand exceeds 100KW/108KVA; or
- (ii) Enhancement of load based on maximum demand readings for the electricity connections energized on or after 01.09.2017 and the total LT service connections demand exceeds 100 KW/108KVA;

Provided also that if the required space is not provided by the applicant or the developer, the distribution licensee may refuse the grant of additional load:

Provided also that the consumer taking supply at LT voltage level, irrespective of its sanctioned load or the contract demand as the case may be, shall also provide the space to the licensee for installation of meter, and part of service line up to the point of supply, to the extent that would fall within his premises.



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(Explanation: For the purpose of this sub-clause, the built up area shall be as specified in the plan approved by the authorized agencies. In case, built-up area is not specified in the approved plan, the built up area shall be taken as the carpet area plus the thickness of outer wall and the balcony)

The cost incurred for acquisition of space including the annual license fee if any shall be borne by the developer or the applicant.

Matter was heard on 05.02.2021, when respondent raised objection regarding size of the plot and occupancy of the area. Respondent was directed to file site plan at that time when connection was granted.

On hearing dated 16.02.2021, the respondent did not file site plan for granting the connection. Another opportunity was given to respondent to file K.No. files of these connections and site plan also.

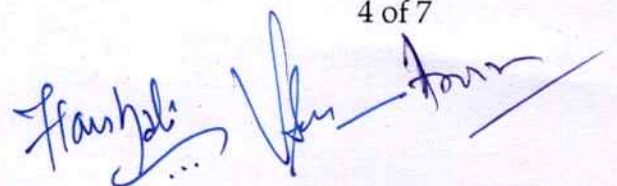
The matter was finally heard on 26.02.2021, when none was present on behalf of the complainant and respondent submitted all the details as per Forum's last order dated 16.02.20.21. Case was reserved for orders.

The main issue in the present complaint is whether the load can be enhanced or not.

That the complainant applied for load enhancement as and when he required to fill his demands. The DERC Guidelines 2017 as per Section 17 (2) which is reproduced as under:

17. Existing connections:-

- (2) Load Enhancement on the request of consumer:-** (i) The applicant shall apply for load enhancement in the format notified in the Commission's Orders. (ii) The procedure as laid down in Regulation 11 for release of electricity connection shall be followed.



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(iii) If the effective date of load enhancement falls between the billing cycles, the Licensee shall raise the bill on pro-rata basis during that billing cycle.

The respondent has raised the objection that space is required for grid sub-station as per Section 22 of Supply code. Whereas South DMC/0148/SE(B)HQ/Addl. Coml/17 dated 30.03.2017 notified by South Delhi Municipal Corporation or as amended from time to time, annexed at Schedule I:

“Provided further that the existing consumer shall also be required to provide the space as above, in the event of

- (i) Enhancement of existing load on account of additional construction in the premises and consequently the total built up area exceeds 1000 sqm of the plot/building or their total LT service connections demand exceeds 100 KW/108 KVA.”

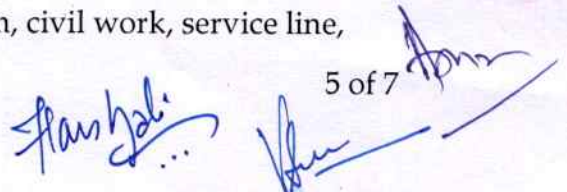
In the present case the total area of the complainant is less than 500 sq. yards and the enhanced load he is asking for is 52 KW, both are covered under the requirements of DERC Regulations stated above and no space is required because the load is less than 100 KW/108 kVA.

That DPCC letter dated NIL has also clearly mentioned that the business type of the complainant is under White Category: For Fabrication (like trusses and frames) (light engineering works).

It is also mentioned in the undertaking given by the complainant to DPCC that the plot size is 418 sq. meters.

21. Service Line cum Development (SLD):-

In case the area is electrified or to be electrified by the Licensee, the new connection shall be released on payment of applicable cost upto the point of supply towards EHT system, HT system, LT system, civil work, service line,

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road restoration charges, and supervision charges as specified in the Commission's Orders, by the applicant except those covered under areas developed by a developer under sub-regulation (1) above:

Provided that the service line cum development charges shall neither be charged nor be refunded in case of load reduction:

Provided further that if service line is actually changed in case of enhancement of load, the differential Service Line cum Development Charges shall be payable by the consumer based on the prevailing rates for electrified areas or un-electrified areas as the case may be:

{Explanation: The differential Service Line cum Development Charges shall be the difference of the Service Line cum Development Charges computed based on total load after enhancement corresponding to prevailing rates of Service Line cum Development Charges and the actual Service Line cum Development Charges deposited by the consumer.}

Provided also that service line cum development charges shall not be refundable in case of termination of agreement.

After going through all the material facts of the case, the complainant is full filling all the requirements of load enhancement and the load asked by him is less than 100 KW/108KVA, so space is not required for transformer and grid sub-station.


As above, we are of the considered opinion that:

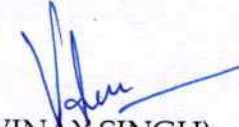
1. The respondent is directed to enhance the load of the connection of the complainant from 11 KW to 52 KW.

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2. That the complainant shall file an undertaking/indemnity bond that he will use this load enhancement exclusively in above ear marked area in which the respondent has released the connection in his name.
3. That the complainant should also deposit the above said service line cum development charges as per Regulation 21 (2) of DERC Guidelines 2017.
4. The Forum also directs the respondent that if the complainant violates the above said directions, respondent is free to take appropriate legal action.
5. The respondent is also directed to file compliance report within 30 days from the date of this order.

The case is disposed off accordingly.


(HARSHALI KAUR)
MEMBER (CRM)


(VINAY SINGH)
MEMBER (LAW)


(ARUN P SINGH)
CHAIRMAN