

C G R F

Consumer Grievance Redressal Forum

FOR BSES YAMUNA POWER LIMITED

(Constituted under section 42 (5) of Indian Electricity Act, 2003)
Sub-Station Building BSES (YPL) Regd. Office Karkardooma

Shahdara, Delhi-110032

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B Y P L

C A No. Applied For
Complaint No. 137/2024

In the matter of:

Abdul Hamid

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

1. Mr. Imran Ul Haq Siddiqi, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht & Ms. Chhavi Rani, On behalf of BYPL

ORDER

Date of Hearing: 23rd July, 2024

Date of Order: 31st July, 2024

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

1. The brief facts of the case giving rise to this grievance are that complainant Abdul Hamid applied for new electricity connection at premises no. 2201, GF, Asaf Ali Road, Turkman Gate, Opposite BK Roy Court, Delhi-110002, vide application no. 8006784341. The application of consumer was rejected by Opposite Party (OP) BYPL on the pretext of whole structure is temporary and applied connection's address at nearby Ramleela Boundary wall and stall connection.

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Complaint No. 137/2024

2. The respondent in reply briefly stated that the complainant is seeking electricity connection for the Ground Floor of the property bearing no. 2201, Asaf Ali Road, Turkman Gate, Opposite BK Roy Court, Delhi-110002. Reply further added that complainant applied through application bearing no. 8006784341 for 1 KW commercial connection for a stall on the basis of tehbazari license. The site was visited and it was found that at site temporary structure exists. The whole of structure is temporary and the connection is wanted nearby Ramleela Boundary Wall.

Complainant along with application of new connection submitted copy of allotment letter dated 27.12.2000 issued by MCD whereby one temporary open Tehbazari site of 6'x4' (open to sky) was allotted to the complainant. The latest tehbazari receipt was valid till 31.03.2024.

Reply further added that without Prejudice to the same, in case complainant places valid MCD license for squatting i.e. Tehbazari then in such scenario OP may release temporary connection as per rule.

It is also submitted that as per Electricity Act and Regulations framed in respect thereto i.e. Delhi Electricity Regulatory Commission (Supply code and Performance Standards) Regulations 2017. In terms of Regulation 10 new electricity connection can be provided on applicant filing the duly filled forms for the new connection application connection as duly approved by DERC. As per said form the applicant can be provided with NX connection for tehbazari on deposit of tehbazari receipt and NOC for temporary structure/khokha for single delivery supply.



2 of 7

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Complaint No. 137/2024

3. Counsel of the complainant in its rebuttal refuted the contentions of OP as averred in their reply and submitted that he applied for new connection in February 2024 at that time his tehbazari license was valid. Now along with latest tehbazari receipt along with allotment letter he has submitted with OP. He further states that OP has released many connections in the nearby tehbazar sites and that too permanent connection. He also submits copy of the bills of the released new connections in tehbazar.
4. Heard the representative of the complainant as well as representative of OP. Complainant has applied for new electricity connection vide application no. 8006784341 for 1 KW commercial connection on the open land allotted to the complainant by Tehbazari by MCD.
5. As per DERC (Supply Code and Performance Standards) Regulations 2017, Rule 11 (1) (iv) **The Licensee shall indicate all the deficiencies in the application form to the applicant in one go only and shall not raise any new deficiency subsequently.**
And as per Sub-Regulation 2 (iv) **The Licensee shall not sanction the load, if upon inspection, the Licensee finds that;**
 - a. the information as furnished in the application is at variance to the actual position, or
 - b. the installation is defective or
 - c. the energisation would be in violation of any provision of the Act, Electricity Rules, Regulations or any other requirement, if so specified or prescribed by the Commission or Authority under any of their Regulations or Orders.

From the perusal of deficiency letter it is clear that at the place where connection has been sought, "temporary structure found at site whole structure is temporary and connection wants at nearby ramleela boundary wall and stall connection."

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Complaint No. 137/2024

6. Inspection Report annexed with reply also shows that there is structure on the property and household things are present in the structure.

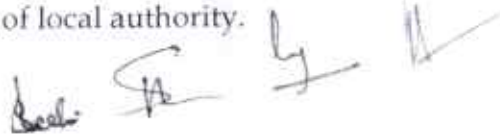
Tehbazari License, copy of which has been filed by OP issued by C.P. Singh, Assistant commissioner, City Zone, shows applicant reference number THB0921253836 was issued for a temporary open tehbazari site measuring 6'x4' for a period upto 31.03.2023. In para 3 of the conditions, it has been mentioned that "he shall ensure that there will be no encroachment of any kind and will not erect any structure at the allotted site." Complainant has further filed a new tehbazari license application no. THB0921253836 which is issued on 20.01.2022 and valid upto 31.03.2025.

Therefore, as per the condition of tehbazari license, complainant could not erect any temporary or permanent structure at the allotted space.

7. Since the non-domestic connection can only be given under temporary connection as per OP. DERC Regulations 16 (1) says the Licensee shall give temporary connection for short-term requirements such as marriages, religious functions, construction activities, exhibitions, cultural functions, etc. in places where the distributing main of the Licensee are in existence.

16(3) says The Licensee shall inform the applicant for obtaining No Objection Certificate or the permission from concerned authorities such as Electrical Inspector or local authority etc, if required, in providing temporary connection.

Therefore, even for the tehbazari, temporary connection can be given only with the permission of local authority.



4 of 7

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CGRF (BYPL)

Complaint No. 137/2024

8. As per approved DERC Regulation, applicant can be provided with NX connection for tehbazari on deposit of tehbarzari receipt and NOC for temporary structure/khokha which is shown in the New connection Forum of OP, Para 7 (c). No NOC from MCD to make any structure has been filed by the complainant.

Hon'ble Delhi High Court in W.P. (c) 1403/2022 para 13 is as under:-

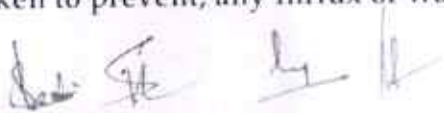
13. Secondly, the concept of tehbazari and street hawking and vending does not envisage that the hawkers or vendors would occupy - round the clock, any particular place, or erect on the allotted site any structure - whether permanent or temporary, much less, on their own. All that the Supreme Court observed in the aforesaid order was that the MCD was proposing to allow the Tehbazari/vending sites to be covered - wherever possible, for which standard design would be evolved by the Corporation. It does not mean that the hawkers and vendors can occupy permanently, or even round the clock, Tehbazari/vending sites. The activity of Tehbazari/vending itself postulates that the activity would be carried out only on the days the said activity is permitted during the times of the day when such activity is permitted, and within the area, within which the activity is permitted. There is no question of any hawker or vendor, staking a claim to occupy any public space in the name of hawking and vending, round the clock, by placing a lockable structure with shutters- temporary or otherwise, at the site and converting the same into a shop, where the hawker/vendor and his goods can permanently remain round the clock.

Even for the street boxes Regulation 25 of CEA 2023

Street boxes. - (1) Street boxes shall not contain gas pipes. and precautions shall be taken to prevent, any influx of water or gas.

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CGRF (BYPL)



Complaint No. 137/2024

(2) Where electric supply lines forming part of different systems pass through the same street box, they shall be readily distinguishable from one another and all electric supply lines at or in street boxes shall be adequately supported and protected so as to prevent risk of damage to or danger from adjacent electric supply lines.

(3) All street boxes shall be regularly inspected for the purpose of detecting the presence of gas and if any influx or accumulation is discovered, the owner shall give immediate notice to the agency or company owning gas pipeline in the neighborhood of the street box and in cases where a street box is large enough to admit the entrance of a person therein have been placed in position, provision shall be made, -

(i) to ensure that any gas which may by accident have obtained access to the box shall escape before a person is allowed to enter and the box shall have provision for sufficient cross ventilation; and

(ii) for the prevention of danger from sparking.

(4) The owners of all street boxes or pillar boxes containing circuits or apparatus shall ensure that their covers and doors are kept closed and locked and are so provided that they can be opened only by means of a key or a special appliance.

(5) The street or pillar boxes shall be erected with the live parts at least 0.6 metre above the ground level or above the flood level of the local site condition, whichever is higher.

9. Therefore, as per tehbazari license, complainant cannot make any temporary or permanent construction at site and no objection certificate has been issued by MCD. In the present circumstances complainant is not entitled for new commercial connection.

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GRF (BYPL)

Page 7

Complaint No. 137/2024

10. As far as argument of the complainant that OP has released many connections in other tehbazari/khokha, 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."


11. Therefore, in view of above, rejection of application of new connection of the complainant is justified. The complainant ^{can} be granted new electricity connection.


ORDER


The complaint is rejected. OP has rightly rejected the application of new connection of the complainant

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

7 of 7

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