



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-11003

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SECY/CHN 015/08Nk

CA No. 154222760
Complaint No. 386/2024

In the matter of:

Abdul KalamComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmad Alvi (CRM)
3. Mr. P.K. Agrawal, Member (Legal)

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Ms. Chhavi Rani, Mr. Lalit & Mr. Akshat Aggarwal on behalf of respondent

ORDER

Date of Hearing: 3rd October, 2024

Date of Order: 08th October, 2024

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

1. The brief facts of the case giving rise to this grievance are that the complainant applied for restoration of supply vide CA No. 154222760 installed at premises no. D-335, Ground Floor, Gali No.-1/3, Dayalpur, Delhi-110094. Complainant stated that respondent illegally removed the meter without giving any notice or intimation and now despite of repeated visits and requests respondent is not restoring the supply.

Further he stated that he pays the consumption charges time to time but respondent illegally removed the meter.

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Therefore, he requested the Forum to direct the respondent for restoration of supply.

2. The respondent in reply briefly stated that by the way of present complaint, the complainant is seeking restoration of electricity for CA No. 154222760 installed at property bearing no. D-335, Ground Floor, Gali No. 1/3, Dayalpur, Delhi-110094.

The factual matrix of the case is as under;

- i. The subject connection bearing CA No. 154222760 is registered in the name of the complainant and was energized on 15.08.2023 for non-domestic purposes.
- ii. On 02.12.2023 when the meter reader visited the site for meter reading, he did not find a meter at site. Instead, the same was found in hanging condition. Further, construction was found going on at site.
- iii. Accordingly, OP issued notice dated 06.12.2023 whereby he was asked to surrender the regular connection and take temporary connection instead, for construction purposes as required under the law. As the complainant failed to comply with the terms of notice, regular permanent connection was disconnected on 18.01.2024 for safety purpose and with due process of law.

After disconnection of supply the consumer visited the office for restoration of supply and on being asked admitted that the electricity supply will be used by him for construction purposes. Accordingly, he was advised by OP to apply for a new temporary condition. As advised, the complainant applied for new temporary connection which was duly released through CA No. 351406641 on 31.01.2024. In respect of the said connection, the final bill issued or to say the same now stands disconnected/surrendered by complainant.

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As per consumer request, meter was removed on 12.06.2024 of CA No. 351406641. As apparently construction is over as such, the complainant is required to apply for fresh electricity connection and as per the law old connection cannot be restored as the same was surrendered or to say agreement between the parties terminated on surrendering of the connection. Reference in this regard is made to Regulation 10 (5) of DERC (Supply Code and Performance Standards) Regulations, 2017.

3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the complainant has not visited the office of the respondent and to the effect of construction of the property with renovation on ground floor; the complainant has already taken the temporary electricity connection. It is submitted that the consumer is entitled for restoration of electricity within six months since the date of disconnection as per DERC guidelines. It is further submitted that the complainant has sent an email to the customer care of the respondent for the restoration of the electricity connection vide CA No. 154222760 and the respondent in its reply stated that "your grievance w.r.t. restoration of electricity against CA No. 154222760, you are requested to kindly visit the division office along with registered consumer I.D. proof and complete the commercial formalities for further process" and when the complainant had approached the division office at Karawal Nagar with his Aadhar Card and where the Business Manager was adamant and refused to restore the electricity supply of the complainant.
4. Heard arguments of both the parties at length.

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5. Before disposal of this complaint relevant Regulations of DERC Supply Code 2017 is narrated here:-

CHAPTER - III NEW AND EXISTING CONNECTIONS

10. New and Existing Connections:-

(5) **Reconstruction of Existing Property:-** In case of complete demolition and reconstruction of the premises or the building following shall apply:

(i) Supply of electricity from existing connection shall not be allowed to be used and same shall have to be essentially surrendered by the owner/occupier/developer of the premises.

(ii) Meter and service line shall be removed, and the agreement shall stand terminated only after realizing all dues payable to the Licensee and thereafter the security deposit of the consumer shall be duly returned by the Licensee as per the Regulations.

(iii) The owner, occupier, developer of the premises, as the case may be, shall apply for temporary connection and the Licensee shall give such temporary connection subject to Regulation 16: Provided that temporary connection in all such cases shall be given only after the outstanding dues, if any, for such premises, are fully cleared.

(iv) Such reconstructed premises or building shall be treated as new premises and the consumer shall be required to apply afresh for a new connection as per these regulations.

(v) Any new connection to such reconstructed premises shall be given only after the outstanding dues attributed to the premises are duly paid by the applicant:

Provided that in case such reconstructed building is occupied by multiple owners, the treatment for new connection(s) to such multiple owners in the reconstructed building shall be given as if the property is sub-divided as in Regulation 10(4).

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6. From the narration of facts and material placed before us we find that the complainant applied for restoration of his old connection which the OP rejected taking plea of Regulation 10 (5) of DERC Regulations 2017, stated that upon reconstruction the premises or building shall be treated as new premises and the consumer shall be required to apply afresh for a new connection.

The complainant is taking plea of the letter of Customer Care Department dated 17.07.2024 which states: "this is with reference to your grievance w.r.t. Restoration of electricity connection against CA no. 154222760, in this regard you are requested to kindly visit the division office along with registered consumer ID proof and complete the commercial formalities for further process".

The Forum is not bound by the said letter of customer care. Moreover, the letter of Customer Care clearly states this is reference to your grievance w.r.t. restoration of electricity connection, it does not mean that the Customer Care has accepted the application of the complainant for restoration, this is only intimation to the complainant that with respect to his complaint of restoration.

Also, the above stated Regulation 10 (5) of DERC Supply Code 2017 clearly states that "such reconstructed premises or building shall be treated as new premises and the consumer shall be required to apply afresh for a new connection."

The electricity connection vide CA no. 154222760 was suo-moto in cognizance with DERC Regulation 10 (5) removed from site by OP after the OP's meter reader reported that the site is under construction and meter was found hanging at site with a wire only. As per this Regulation 10(5)(i) the supply of electricity from existing connection shall not be allowed to be used and same shall have to be essentially surrendered by the owner/occupier/developer of the premises.

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But, here the complainant has not surrendered the connection on his own; OP has taken action for removal of meter after their meter reader reported for the same. Thereafter, the complainant approached OP for temporary connection. If the earlier connection of the complainant was disconnected by OP forcefully, then the complainant should have applied for re-connection of the said connection, instead he applied for temporary connection and admitted the fact that his premises were being re-constructed. Thus, as per above stated Regulation, the complainant should apply for afresh new electricity connection.

7. In view of the above, we are of considered opinion that the complainant has to follow the DERC Regulations and he should apply for new electricity connection as per Regulations stated above, reconnection of old connection cannot be granted.

ORDER

The complaint is rejected. The OP has rightly rejected the application of the complainant for restoration of old connection. The complainant may apply for new connection.

The parties are hereby informed that the instant Order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order.

If the Orders are not appealed against within the stipulated time or no interim stay thereon has been granted by the Ombudsman, the same shall be deemed to have attained finality.

Any contravention of these Orders is punishable under Section 142 of the Electricity Act 2003.


(NISHAT A ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


(P.K. SINGH)
CHAIRMAN

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