



C A No. Applied For
Complaint No. 92/2024

In the matter of:

Afsari Khatoon

.....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, & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 16th May, 2024

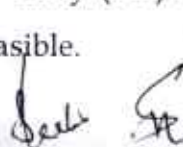
Date of Order: 20th May, 2024

Order Pronounced By:- Mr. P.K. Agrawal, Member (Legal)

1. The brief facts of the case giving rise to this grievance are that complainant Afsari Khatoon applied for new electricity connection at premises 2169, Katra Multani Basti, Julahan Sarai Khalil, Sadar Bazar, Delhi-110055, vide application no. 8006718860. The application of the complainant was rejected by Opposite Party (OP) BYPL on the pretext that common stairs connection is not feasible.

Attested True Copy


Secretary
CGRF (BYPL)

 1 of 4

Complaint No. 92/2024

2. The respondent in reply briefly stated that new electricity connection has been applied by the complainant vide request no. 8006718860 at premises no. 2169, Katra Multani Basti, Julahan Sarai Khalil, Sadar Bazar, Delhi-110055 under tariff category CGHS (Staircase) DOM 3 which was rejected as the building consisting of ground plus five floors over it and hence building height may be more than 15 meters. As such applicant is required to submit approved MCD Architect wherein it is certified by architect that height of the building is within 15 meters.
Reply further added that common stair case is of joint building bearing nos. 2168, 2169, 1586, 1587 and 2124. The said joint building is used for both commercial as well as domestic purposes and is situated in market place.
3. Rejoinder filed by counsel of the complainant refuted the contentions of the respondent as averred in their reply and stated that complainant's premises are residential mix use in nature and new connection is sought for staircase purpose under DOM 3 tariff category as per tariff order 2020-21. He further submitted that he is ready to submit Architect Certificate provided that if OP admits that they would release the connection after submission of Architect Certificate.
4. Heard arguments of both the parties were heard at length.
5. The issue is whether the new connection can be granted to the complainant for stair case or common area or not?
6. Before disposing off the application of the complainant, it is relevant to discuss the rules and regulations applicable to this issue.

↓
2 of 4

Attested True Copy


Secretary
CGRF (BYPL)

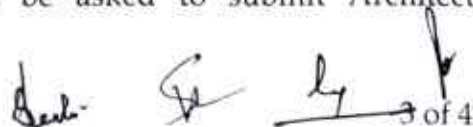
Complaint No. 92/2024

DOMESTIC TARIFF

5.6 Domestic Tariff is applicable for power consumption of Residential Consumers, Hostels of recognized/aided Educational Institutions and staircase lighting in Residential Flats, Compound Lighting, Lifts and Water pumps or drinking water supply and Fire-fighting equipment, etc. bonafide Domestic use in farm houses, etc. as per the Tariff Schedule.

7. Above stated Rule of DERC Tariff order 2021-22, clearly states that new connection under domestic category for staircase, lighting in residential flats and compound lighting is applicable for power consumption as per Tariff Schedule.
8. It is admitted fact that building structure is ground plus five floors over it, the Domestic 3 category connection is for common passage, stilt parking and staircase etc. There is no specific definition that Domestic 3 category connection can only be given if there is stilt parking only. In the present case, OP contended that building height is more than 15 meters but have not placed on record any building measurement in support of their claim.

On 14.05.2024, OP has submitted site visit report, in the said site visit report also they has not mentioned the height of the building. Therefore, this contention of OP cannot be relied upon. Also, in its reply OP has submitted that since building is ground plus five floors over it, hence building height may be more than 15 meter. When OP itself is not assured then how complainant can be asked to submit Architect Certificate.

 3 of 4

Attested True Copy


Secretary
CGRF (BYPL)

Complaint No. 92/2024

Thus we nullify the contention of OP and allow this complaint. We find no concrete ground of OP to reject the application of the complainant for new connection.

9. Taking cognizance of the above stated rules and facts, new connection to the complainant for common area cannot be denied. Therefore, OP should entertain the new connection application of the complainant and release the connection under DOM 3 category for the usage of common area only.

ORDER

The complaint is allowed. OP is directed to release the new electricity connection to the complainant as applied for by her vide application no. 8006718860 under DOM 3 category for the use of common area only after fulfillment of all the required commercial formalities as per DERC Regulations 2017.

OP is further 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.K. SINGH)
CHAIRMAN
4 of 4

Attested True Copy

Secretary
CGRF (BYPL)