



CA No. 153546289
Complaint No. 151/2024

In the matter of:

Anil Kumar Jain

.....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. Suraj Aggarwal, Counsel of the complainant
2. Ms. Ritu Gupta & Ms. Chhavi Rani, On behalf of BYPL

ORDER

Date of Hearing: 06th June, 2024

Date of Order: 11th June, 2024

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

1. The brief facts of the case giving rise to this grievance are that complainant applied for load enhancement from single phase to three phase against CA no. 153546289 installed at his premises no. B-38, Parking, GF, East Jyoti Nagar, Main Loni Road, Delhi-110093. It is also his submission that now he wants to use this connection for lift purpose, therefore he applied for load enhancement to three phase. He completed all the commercial formalities as per DERC Regulations 2017, but the application of the complainant was rejected by Opposite Party (OP) BYPL without any reason and rhyme.

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Secretary
CGRF (BYPL)

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2. The respondent in reply briefly stated that the complainant is seeking conversion from single phase to three phase meter in respect of one electricity connection bearing CA no. 153546289 which is registered in the name of the complainant and installed at property bearing no. B-38, parking, Ground floor, East Jyoti Nagar, Khasra No. 869 and 872, Main Loni Road, Delhi-11-93.

Reply further added that for conversion of single phase meter to a three phase meter, the procedure for new electricity connection as detailed in Regulation 11 is required to be followed.

On site visit it was found that the building structure consists of basement plus parking plus four floors over it and subject address was found in MCD objection list no. EE(B)-II/SH-N/2018/D-512 dated 29.05.2018 in the shape of deviation/excess coverage at basement floor, received in the office of OP in January 2023.

OP further added that the complainant has submitted documents in respect of regularization of his property i.e. regularization certificate with payment slip and site map. OP has forwarded mail to MCD for verification of the regularization certificate and the reply from MCD is still awaited. OP also added that there are pending dues amounting to Rs. 1210/- of C A. No. 101618290, which are also to be cleared and lift certificate is also required.

3. Counsel of the complainant in rebuttal reiterated his original complaint. He also submitted that MCD booked his premises on 29.05.2018 and he obtained Regularization Certificate and Site Map from MCD on 08.02.2019, after that BYPL has installed five new connections in the same property in the year 2021.

4. Heard arguments of both the parties were heard at length.

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5. From the narration of facts and material placed before us we find that MCD booked premise of the complainant in the year 2018 in the shape of Deviation/excess coverage at basement floor. The complainant on record placed Regularization Certificate issued by EDMC on dated 08.02.2019 and same is also admitted by OP in its reply. OP stated that they have forwarded mail to MCD for verification of the same but they received no reply from MCD. Complainant had also placed on record payment slip towards regularization charges. It is also admitted by both the parties, that OP has released five new connections in the same premises in the year 2021.
6. Therefore, we find no lapse on the part of the complainant and the rejection of application of the complainant for three phase meter by OP is unjustified.
7. In view of the above, we are of considered opinion that the complainant's application for three phase meter should be allowed.

ORDER

Complaint is allowed. OP is directed to change the category of the connection no. 153546289 from single phase to three phase as applied by the complainant.

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.

(NISHAT A ALVI) (P.K. AGRAWAL)
MEMBER (CRM) MEMBER (LEGAL)

(S.R. KHAN) (P.K. SINGH)
MEMBER (TECH) CHAIRMAN

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