

C A No. Applied for
Complaint No. 63/2025

In the matter of:

Charu GuptaComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. S.R. Khan, Member (Technical)

Appearance:

1. Mr. Suraj Aggarwal, Counsel of the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 10th June, 2025

Date of Order: 16th June, 2025

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

1. The brief facts of the complainant's grievance are that the complainant applied for new electricity connection vide request no. 8007418293 at premises no. Plot no. 1, New Mandoli Industrial Area, Delhi-110093. The application of the complainant for new connection was rejected as meter already exists at applied premises vide C A no. 151680989, the applied property is not separate and it is jointly existing with the adjacent building without any separation, mismatch between the building structure mentioned in the property documents and physical conditions at site.

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2. The respondent in its reply against the complaint of the complainant submitted that the complainant is seeking new NX connection for premises bearing address plot no. 1, Kh. No. 12/13, GF, new Mandolu Industrial Area, Shri Ram Bal Bharti School wali Gali, Delhi-110093 vide application no. 8007418293. The application of the complainant was declined due to following reasons:

- a) One IX KCC meter already exist at the applied site having C A no. 151680989 with 48 KW load in the name of Khilender Gupta.
- b) Total building area is 300 sq yards out of which 200 sq yards is with Khilender Gupta and 100 sq yards are with Charu Gupta but on site the first and second floors are joint with another building and there is no physical partition on these floors.

OP in its reply also stated that total building area is 300 sq yards out of which 200 sq yards is with Khilender Gupta & 100 sq yards are with Charu Gupta but the first and second floors are jointed with another building and there is no physical partition on the floors meaning thereby alteration has been done in the applied premises only on title papers without their being any division with proper meats and bounds all of which is not valid in terms of law laid down by Hon'ble Apex Court in Rajendra Kumar Barjatya vs. U.P. Avas Evam Vikas Parishad, Civil Appeal no. 14604 of 2024.

3. The complainant in its rejoinder refuted the contentions of respondent as averred in their reply and submitted that as per DFRC Supply Code 2017, the complainant has to apply for separate meter for the separate work else OP can book the premises for sub-letting. The complainant emphasized on the fact that only for ground floor he has applied for new electricity connection and the ground floor portion of 100 yards has different owner. The complainant in her support along with rejoinder filed DPCC certificate dated 19.01.2025 and MSME Udyam Registration Certificate.

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4. OP was directed to file K.No. file of the already energized connection in the other portion of the said premises. From the perusal of the said file, the connection in the name of Khilender Gupta was released on the basis of GPA dated 07.06.2006 by Smt. Preeti Sharma in favour of Khilender Gupta. The description of the GPA shows property details as "piece of land area measuring 200 sq. Yards out of Khara no. 12/13, bearing part of plot no. 1." To the east of said property shows remaining part of the said plot.

5. From the perusal of the GPA in favour of Charu Gupta, the complainant, it is transpired that she got possession of 100 sq. Yards of plot out of Khasra no. 12/13, bearing plot no. 1, and to the west of the said plot is remaining part of the said plot.

6. Arguments of both the parties were heard.

7. From the narration of facts and material placed before us we find that the complainant applied for new electricity connection which OP rejected on grounds of existing electricity connection and there is no physical partition. We find that the complainant in her support submitted GPA dated 12.10.2006 for 100 sq yards of area out of total 300 sq yards. The site visit report of OP stated that there is no physical partition on first and second floor, which does not mean that the partition on ground floor should not be considered, when there is separate GPA for both the partitions. OP has stated that there is non-existence of any separate dwelling unit, which is not correct, the complainant is having a separate GPA in her favour and that too almost 19 years old, therefore OP's contention that there is no physical separation cannot be relied upon and complainant cannot be denied her right for electricity connection.

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8. Firstly the complainant has demanded an IX connection and not domestic from which she can gain benefit of subsidy and secondly, there is already an Industrial connection for a load of 48 KW in the other portion of the property on ground floor. We don't find any foul play by the complainant in applying for new electricity connection in her name for her business for which she has already submitted MSME and DPCC certificate.
9. In view of the above, OP cannot deny new electricity connection to the complainant. Therefore, OP should release the new electricity connection to the complainant.

ORDER

The complaint is allowed. OP is directed to release the new electricity connection under industrial category as applied for the complainant vide application no. 8007418293 at premises no. Plot no. 1, Kh. No. 12/13, GE, New Mandolli Industrial Area, Shri Ram Bal Bharti School Wali Gali, Delhi-110093, after completion of all other commercial formalities as per DERC Regulations 2017.

OP is directed to file compliance report within 21 days of the action taken on this order.

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

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If the Order is not appealed against within the stipulated time, the same shall be deemed to have attained finally.

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

by
(P.K. AGRAWAL)
MEMBER (LEGAL)

SP 16/6/25
(S.R. KHAN)
MEMBER (TECH.)

(P.K. SINGH)
CHAIRMAN

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