



CA No. 100007291
Complaint No. 453/2024

In the matter of:

Harkirat MannComplainant

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. Prashant Sharma, Mr. R. S. Bisht, Mr. Nitin Tripathi, Mr. Lalit & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 26th November, 2024

Date of Order: 10th December, 2024

Order Pronounced By:- Mr. S.R. Khan, Member (Technical)

1. The brief facts of the case giving rise to this grievance are that the complainant applied for load enhancement against CA No. 100007291 at premises no. BPCL, Petrol Pump, Rajender Place, Near Rachna Cinema, Pusa Road, Karol Bagh, Delhi-110008. The application of complainant was rejected by Opposite Party on the pretext of ESS Space required and the plot area at site and possession area mentioned in land allotment copy submitted is mismatch.

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2. The respondent in reply briefly stated that the Mr. Shivaji Chaudhary, Territory Manager (Retail) of BPCL had applied for name change from "M/S Bharat Refineries LT" to "Bharat Petroleum Corporation Ltd" and enhancement of load from 20 KVA to 97 KVA of the electricity connection bearing CA No. 100007291 installed at BPCL Petrol Pump Rajender Place, Near Rachna Cinema, Pusa Road, Karol Bagh, Delhi-110008. Reply further states that the complainant submitted the application form for change in connection dated 08.02.2024 along with the documents such as PAN card, Adhar Card, Power of Attorney, etc. It is pertinent to mention here that Mr. Shivaji Chaudhary, Territory Manager (Retail) had also submitted the Certificate dated 22.01.1974 issued by DDA regarding the area of the plot where the above mentioned electricity connection is installed. It is further pertinent to mention here that all the above mentioned documents submitted by Shivaji Choudhary were self attested and having the stamp of Shivaji Choudhary, Territory Manager (Retail), Delhi Retail Territory, Bharat Petroleum Corporation Ltd.

Thereafter, the respondent had made an inspection on 12.02.2024 and during the site inspection as well as having gone through the documents produced by the complainant specially the DDA Certificate dated 22.01.1974, it was found that the plot/premises area where electricity connection is sought, is 1024 square meter/1224.55 square yards (more than 600 square meter) and therefore, ESS space required as per law and thereafter, the respondent had sent a deficiency letter dated 14.02.2024 to the complainant. The complainant had sent a reply dated 13.03.2024 along with an affidavit dated 14.03.2024 to the deficiency letter dated 14.02.2024.

Clause 6(4) of Schedule of Charges 2017 provides **Space for installation of Grid Sub-station, transformers, service line, meter and other equipment under Regulations 22 of Supply Code Regulations:-**

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"The developer/applicant taking supply at Low Tension Level for any new premises or for re-constructed premises, requiring LT Services connections whose:


- i. Total cumulative demand of all floors in the plot/building for LT Service connection exceeds 100 KW/108 KVA; or
 - ii. Total cumulative built up area of the premises in the plot/building exceeds 2000 sqm' or
 - iii. Plot of size above 600 sqm or above;
- Shall provide the space for installation of distribution transformers, as per the required load"

3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the load enhancement is required for CNG filling station which has now been mandated by Govt. at all petrol pumps. However, if required then the OP can install the transformer on the pole as per rule.

Installation of transformer within the petrol pump premises would be violation of Rule no. 102 of Petroleum Explosives and Safety Organization (PESO) which may be the reason for a major accident in future, the responsibility of which will be only of OP.

4. Heard arguments of both the parties at length.

5. From the narration of facts and material placed before us we find that the complainant along with rejoinder has filed an communication from Dy. Chief Controller of Explosives, Ministry of Commerce and Industry, Petroleum & Explosives Safety Organization dated 10.09.2024 to a petrol pump in Delhi, clearly stating there as under:



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- i) that transformer inside the license premises is not advisable in the interest of public safety. You are advised to shift the transformer outside the license premises.
- ii) All the electrical fittings, apparatus, installation inside the hazardous area of the license premises shall conform to IS/IEC-60079 or any other applicable code approved by the Chief Controller of Explosives. Accordingly note-10 of proposed plan is to be rectified.

6. From the perusal of the above stated letter it is clear that transformer should not be installed inside the petrol pump area. Moreover, the complainant has applied for load enhancement and not for new connection. Connection for a load of 20 KVA is already energized in the applied portion.

7. Therefore, we don't find any hindrance in granting load enhancement to the complainant as applied for by him for C A no. 100007291 installed at BPCL Petrol Pump, Rajender Place, Near Rachna Cinema, Pusa Road, Karol Bagh, Delhi-110008.

ORDER

The complaint is allowed. OP is directed to enhance the load of the connection of the complainant from 20 KVA to 97 KVA from the existing transformer or from where the connection has already been provided to the complainant after completion of other commercial formalities as per DERC Regulations 2017.


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This Order shall be complied within 21 days of the receipt of the certified copy or from the date it is uploaded on the Website of the Forum; whichever is earlier.


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

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


~~(H.S. SOHAL)~~
~~MEMBER~~


(P.K. AGRAWAL)
MEMBER (LEGAL)


(S.R. KHAN) 12/12/24
MEMBER (TECH.)


(P.K. SINGH)
CHAIRMAN