



C A No. Applied for
Complaint No. 534/2024

In the matter of:

Hema Kumari

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. S.R. Khan, Member (Technical)
2. Mr. H.S. Sohal, Member

Appearance:

1. Ms. Sakshi Sharma, Counsel of the complainant
2. Mr. Akash Swami & Ms. Chhavi Rani on behalf of respondent

ORDER

Date of Hearing: 24th April, 2025
Date of Order: 29th April, 2025

Order Pronounced By:- Mr. H.S. Sohal, Member

1. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connection at premises no. E-77, First Floor, Nehru Camp, Jhuggi, I.P. Extension, Delhi-110092, vide request no. 8007219063. The application of complainant was rejected by Opposite Party (OP) BYPL on the pretext of Temporary Structure at site, Energy Dues & Enforcement Dues at site but complainant stated that she is living at the above said premises since long time. Therefore, she requested the Forum to direct the respondent for release of new

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2. The respondent in reply briefly stated that the present complaint has been filed by the complainant seeking for new connection at the first floor at premises no. E-77, Nehru Camp, Jhuggi, I.P. Extention, Delhi-110092, vide request no. 8007219063. The application of the new connection was rejected on following grounds

Firstly; the applied premises first floor is a Temporary structure at site which is unsafe for grant of any new connection. Hence, technical feasibility is not made out for grant of new connection.



Secondly; there exists multiple energy dues and DT dues at applied premises, accordingly no new connection can be released until the dues are not paid.

Hence, Violation of the provisions of Electricity Act & Regulations framed in respect of DERC (Supply Code & 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 first floor portion of the complainant is not a temporary structure and the requirement of the domestic electricity connection of the complainant is genuine. In this connection an inspection was carried by Shri Rajeev Kumar, the Supervisor of inspection team on 10.08.2024 regarding first floor property of the complainant and thereafter in his inspection report it is mentioned that in the covered area remarks that TF structure of premises of the complainant is permanent structure. Rejoinder further added that there are no energy dues pending upon the complainant because all the Juggies are of same address i.e. E-77, Nehru Camp Jhuggi, IP Extention, Delhi-110092. OP had mistakenly noted down the address of the complainant for pending energy dues but the complainant is regularly paying the electricity bill till date.

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4. From the narration of facts and material placed before us we find that complainant applied for new electricity connection which OP rejected on pretext of Temporary Structure at site as connection is sought on the first floor of Jhuggi which as per regulations is not possible, Energy Dues & Enforcement Dues at site. Regarding first objection of OP, that temporary structure at site, in this regard, complainant stated that his premise is permanent structure and OP has released many connections on the first floor of other Jhuggis, therefore she is also entitled for connection on the first floor of her Jhuggi. Regarding second objection of OP, that Energy Dues & Enforcement Dues, in this regard the complainant submitted that the dues do not pertain to her as there are multiple premises of same address.

5. During the course of argument, OP filed DUSIB present policies & Strategies report:-

Modified policy guidelines for implementation of the scheme for relocation/rehabilitation and allotment.


(c) Eligibility Conditions: - (viii) - In case of multi-storeyed jhuggie occupied by the same person or different persons for residential purpose, the allotment will be considered to the occupant of ground floor only.

6. In view of the above policy of DUSIB, we are of considered opinion that DUSIB has clearly mentioned that in case of multi-storeyed Jhuggi for residential purpose, the allotment will be considered of ground floor only.

It clearly makes out that if the allotment is only of ground floor than the electricity connection will also be only for ground floor. Therefore, the application of the complainant for new connection cannot be

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7. The complainant's other contention that OP has released many connections in the nearby Jhuggis on the first floor, in this regard, Hon'ble Delhi High Court in the case of W.P. (c) 2453/2019 has held "However, merely because some of the occupants of the building have wrongly been given an electricity connection, it cannot be ground for the court to direct respondents' no. 2 and 3 to further compound the wrong act and direct granting of a new electricity connection to the premises of the petition which is located in the building whose height is more than 15 meters."
8. In view of the above, this Forum is unable to give any relief to the complainant.

ORDER

The complaint is rejected. OP has rightly rejected the application of the complainant for new connection.

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.

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.


(H.S.SOHAL)
MEMBER


(S.R. KHAN)
MEMBER (TECH.)

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