



Consumer Grievance Redressal Forum

FOR BSES YAMUNA POWER LIMITED

(Constituted under section 42 (5) of Indian Electricity Act. 2003)

Sub-Station Building BSES (YPL) Regd. Office Karkardooma,

Shahdara, Delhi-110032

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SECY/CHN 015/08NKS

C A No. Applied For Complaint No. 111/2023

In the matter of:

IstkhariComplainant

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)
4. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Santosh Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Ms. Shweta Chaudhary & Ms. Chhavi Rani, On behalf of BYPL

ORDER

Date of Hearing: 08th August, 2023

Date of Order: 09th August, 2023

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

1. This complaint has been filed by Mr. Istkhari against BYPL-YVR.
2. The brief facts of the case giving rise to this grievance are that complainant Mr. Istkhari applied for new electric connection vide request no. 8006119195 at premises no H. No. 914 B, third floor, Street No. 30/6, Jafrabad, Delhi-110053.

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It is also his submission that respondent rejected his application for new connection on the pretext of meter already exists at site and no separate dwelling unit found at site. Whereas, he contested that his premises are separate from the other portion of the property. Therefore, he requested for release of new connection.

3. OP in its reply briefly stated that the complainant is seeking new electricity connection for third floor at property bearing no. 914 B, street no. 30/6, Jafrabad, Delhi-110053 vide application no. 8006119195. It is also submitted that third floor is already electrified through CA No. 152514046 in the name of Mohd. Irfan. OP further submitted that the complainant claims there is partition between five legal heirs of Lt. Sh. Mustak Ahmed and also placed on record part of notarized partition deed. It is apparent that complainant has deliberately not placed the complete partition deed.

As per the partition deed so placed on record property consists of three floors having two rooms, one kitchen, one W/C and bathroom on all the three floors i.e. first, second and third floor. On ground floor commercial activity takes place. Each floor has one dwelling unit only.

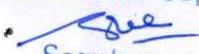
4. Arguments of both the parties are heard.

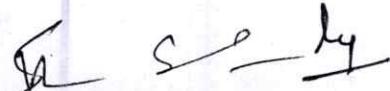
5. Counsel of the complainant rebutted the contentions of respondent as averred in their reply and submitted that the complainant's premises are separate from the other portion of the property. It is also submitted that complainant is entitled to get release of electricity connection in her name as same is essential and necessary amenities for life. He further added that the dwelling unit of complainant is separate and also having separate kitchen.

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6. LR of the OP submitted that there is already one electricity connections on the applied floor and as per DERC Regulations 2017, sub-regulation 10 (1)(vi), the new connection can be provided when there is separate kitchen as well as separate entry.
7. Sub-Regulation 10(1)(iv) of DERC Supply Code 2017, **Wherever, one dwelling unit has been sub-divided and separate kitchen as well as separate entry is available, second electric connection may be given to the lawful occupant.**
8. As far as legal position is concerned in the present case, as per DERC Regulations 2017, Sub- Regulation 10. New and Existing Connections:
(4) Sub-divided Property:-
 - (i) Where property/premises have been legitimately subdivided, the owner/occupier of the respective portion of such sub-divided property shall be entitled to obtain independent connection in his name.
 - (ii) The Licensee shall provide the connection, to the applicant of respective portion of the legitimately sub-divided property, on payment of outstanding dues on pro-rata basis for that portion, based on the area of such sub-division or as mentioned in sub-division agreement, and the Licensee shall not deny connection to such applicant on the ground that dues on the other portion(s) of such premises have not been paid, nor shall the Licensee demand record of last paid bills of other portion(s) from such applicant(s).
9. During the hearing both the complainant and OP submitted site plan showing the actual position of site. The third floor where connection is applied ~~has~~ has single entry from stairs.

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Secretary
CGRF (BYPL)



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There are only two rooms on third floor and entry to the other room is from inside the first room, thus the other room does not have separate entry as per DERC Regulations. Already a connection is installed on third floor therefore new connection to the complainant cannot be granted.

10. Since, there is no separate entry for the premises where the new connection has been required, already a connection is installed and no sub-division agreement has been filed by the complainant. Therefore, we are of considered opinion that the complainant has not fulfilled the above stated DERC Regulations.

ORDER

Complaint is rejected. Respondent has rightly rejected the application of the complainant for new connection.

The case is disposed off as above.

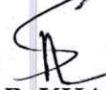
No order as to the cost. Both the parties should be informed accordingly. Proceedings closed.



(H.S. SOHAL)
MEMBER



(P. K. AGRAWAL)
MEMBER (LEGAL)



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



(P.M. SINGH)
CHAIRMAN

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Secretary

CGRF (BYPL)