

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
Phone: 32978140 Fax: 22384886
E-mail: cgrfbyp@hotmail.com
www.bses.org.in

C A No. Applied for
Complaint No. 46/2024

In the matter of:

Jagwati

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat A. Alvi (CRM)
3. Mr. P.K. Agrawal, Member (Legal)
4. Mr. S.R. Khan, Member (Technical)
5. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Mr. Akshat Aggarwal & Ms. Chhavi Rani, on behalf of respondent

ORDER

Date of Hearing: 24th September, 2024

Date of Order: 30th September, 2024

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

1. The brief facts of the case giving rise to this grievance are that the complainant applied for two new electricity connections at premises no. D-61, Second & Third Floor, Gali No.-4, Laxmi Nagar, Delhi-110092, vide requests no. 8006727868 & 8006727878. The application of complainant was rejected by OP on the pretext of same activity on first, second and third floor, one DX meter already exists, but complainant stated that she has already submitted trade license.

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2. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking for two new connections under commercial category at premises D-61, Second & Third Floor, Gali No.-4, Laxmi Nagar, Delhi-110092, vide requests no. 8006727868 & 8006727878. Upon inspection of the subject premises it was found that the building structure consists of ground+ four floors over it with a temporary tin shed room on the terrace. Apparently the building height is greater than 15 meters. It was further found that a café namely "Jannat Cafe" is being run in the said building on the First, second and third floors which are unified internally as one premise. An electricity connection having CA No. 100869646 registered in the name of HarSwaroop is already providing electricity to the subject premises. Resultantly, the applications of the complainant for seeking new electricity connection stand rejected.

As per DERC (Supply Code and Performance Standards) Regulations, 2017 in one premises only one connection can be granted. Reference in this regards may be made to Regulation 2 (44) and 10 (1) and (5).

3. Counsel for the complainant in its rejoinder refuted the contentions of complainant's tenant and one electricity connection CA No. 100869646 is installed at ground floor. It is further submitted that the respondent company has not released the electricity connection as per the request of the complainant which is violation of DERC Rules Regulations.
4. Heard arguments of both the parties were heard at length.

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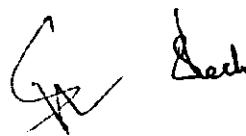
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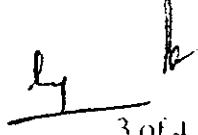
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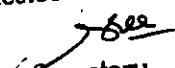
5. From the narration of facts, material placed before us and pleadings of both the parties we find that the complainant applied for two new electricity connections on second and third floor at property no D-61, Gali No.-4, Laxmi Nagar, Delhi-110092. The said applications of the complainant were rejected on account of same activity on first, second and third floor, one DX meter already exists CA No. 100869646. In response to OP's objection, the complainant stated that ground, first, second and third floor are different floor and used by complainant's tenant. OP stated in his reply building structure ground+ four floors with temporary tin shed room because of which building height is greater than 15 meters. Although the complainant has placed on record Architect Certificate submitting the height of the building is less than 15 meters.
6. During the course of argument, complainant was directed to file the rent agreements, showing that the floors are separate. Complainant filed rent agreement of second and third floor. As per DERC (Supply Code and Performance Standards) Regulations 2017, regulation 2 (44) (44) "Premises" means land, building or structure or part or combination thereof which includes immovable properties, in respect of which separate meter has been installed or required to be installed by Licensee for supply of electricity.

The complainant has placed registered lease agreements on record to prove his stand that both the floors are being used separately by different lessees. Therefore, there is sufficient proof on record which clearly denies the objection of the OP that the premises are used for unified purpose.


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7. In view of the above, we are of the considered opinion that we could not find any reason to reject the application of the complainant for new connection.

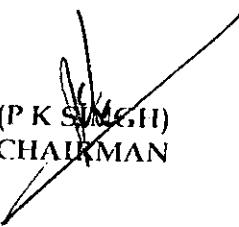
ORDER

Complaint is allowed with direction to respondent to release the new connection as applied for by the complainant after submission above said rent agreements by the complaint and completion of other commercial formalities as per DERC Regulations 2017.

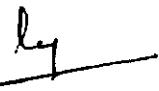
OP is further directed to file compliance report within 21 days from the date of this order.

The case is disposed off as above.

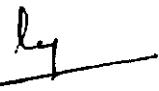
No order as to the cost. Both the parties should be informed accordingly.


(P K SINGH)
CHAIRMAN

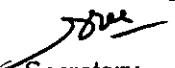

(S.R. KHAN)
MEMBER-TECH


(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER

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