

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/GIS/DBNKS

C A No. Applied for Complaint No. 397/2024

In the matter of:

Kamlesh

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

1. Mr. Neeraj Kumar, Counsel of the complainant
2. Ms. Kavya, Mr. Lalit & Mr. Akshat Aggarwal, on behalf of respondent

ORDER

Date of Hearing: 29th October, 2024

Date of Order: 11th November, 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 seven new electricity connections at premises no. B-339, Old Plot No. 7-B, Kh. No. 389/263, New Ashok Nagar, Near Sangam Gali, Delhi-110096, vide requests no. 8006933502, ONVSE0305240031, 8006933511, 8006933494, 8006933557, 8006933540 & 8006933560. The application of complainant was rejected by OP on the pretext of Consumer not available, Premises lock.

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2. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking for seven new electricity connections of the premises B-339, Old Plot No. 7-B, Kh. No. 389/263, New Ashok Nagar, Near Sangam Gali, Delhi-110096.

The status of said seven applications is detailed herein under:

S.No.	Application No.	Address	Reason of rejection
1.	ONVSE0305240069	G/F, back portion	Consumer not available, Premises locked
2.	ONVSE0305240031	G/F, Front portion	Application/documents incomplete
3.	ONVSE0305240106	G/F, Back portion LHS	Consumer not available, Premises locked
4.	ONVSE0305240157	F/F, Front portion, RHS	Consumer not available, Premises locked
5.	ONVSE0305240191	F/F, Front portion LHS	Consumer not available, Premises locked
6.	ONVSE0305240216	F/F, Back portion RHS	Consumer not available, Premises locked
7.	ONVSE0305240244	F/F, Back portion LHS	Consumer not available, Premises locked

The applicant instead of removing the deficiencies by being available on site and by unlocking the doors of the applied premises, has filed the present complaint only to browbeat and harass the officials of OP. At the subject premises as per the complainant there are seven dwelling units i.e. three on Ground floor and four on first floor. At present two domestic connections are existing in the name of the complainant.

Reply further stated that as per OP's last site visit carried out by the OP at the time of proceedings before Learned Ombudsman, there are only six dwelling units and as two domestic connections already exist, as such only four more DX connections can be released.

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The complainant is required to apply afresh as old applications stand auto canceled due to expiry of 30 days. The present complaint is in respect of applications of new connection made on 03.05.2024.

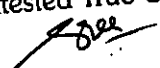
3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the complaint was allowed by Ld. Ombudsman vide Appeal No. 08/2024. Thereafter, respondent had filed an appeal no. W.P. (C) 9330/2024 in the Hon'ble High Court against order of Ombudsman. The appeal No. W.P. (C) 9330/2024 has been dismissed and thereafter two connections released on the applied premises by the OP. Complainant have applied seven new connections and two connections released and five connections are still pending for release.

4. During the pendency of the complaint before the forum, OP stated that they have released all the seven connections as applied for by the complainant. In this regard, the complainant stated that although OP has released all the seven new connections as applied by the complainant but due to delay in release of the new connections, he has asked for compensation.

Against the request of compensation of the complainant, OP raised objection that the complainant has not raised the issue of compensation in his original complaint.

5. Heard arguments of both the parties and perused the record.

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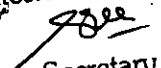
6. From the narration of facts and material placed before us we find that the complainant applied for new connection in the Forum vide C.G. No. 419/2023 which was rejected by the Forum stating that the complainant was distorting the facts and misusing the process of law to achieve her objective by hook or by crook, and on the other hand OP has failed to exercise diligence and to solve the riddle woven by the complainant. In the conclusion this Forum is of the considered opinion that the complainant has failed to justify her request for new electricity connection.

Thereafter, the complainant approached the Hon'ble Ombudsman for release of the new electricity connection and Ombudsman vide its order dated 16.05.2024 directed OP to release the new electricity connection as applied for by the complainant. Even after the orders of the Hon'ble Ombudsman, OP failed to release the new electricity connection to the complainant and approached Hon'ble High Court of Delhi against the order of the Hon'ble Ombudsman. Hon'ble High Court of Delhi vide its order dated 11.07.2024, dismissed the petition of OP. Thereafter, OP released the new electricity connection to the complainant.

7. After the release of the new electricity connection by OP, the complainant again applied for seven more electricity connections at the same premises, which were rejected by OP on grounds that the premises of the complainant was found locked and the complainant instead of again approaching the OP for release of the new electricity connection and showing them the applied portions approached this Forum for release of the new electricity connections.

8. Now the question arises is whether the complainant is entitled for

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9. As per Regulation 11(4)(v) of DERC Supply Code and Performance Standards) Regulations 2017,

Compensation for delay in energizing connection:-

a. In case the Licensee fails to provide the connection to an applicant within the prescribed time lines, the Licensee shall be liable to pay the applicant, compensation as specified in Schedule-I of the Regulations.

b. For determination of compensation, the time taken for release of connection shall not be considered on account of the following:-

(i) If at any stage, additional time period is sought by the applicant for reasons to be recorded in writing; or

(ii) If the same is on account of reasons such as right of way, acquisition of land, delay in permission for road cutting etc., or occurrence of any force majeure event, over which Licensee has no control and the reasons for the delay are communicated to the applicant within the period specified for energisation; or

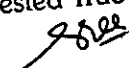
(iii) If additional time is allowed by the Commission for completion of work.

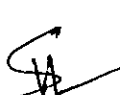
c. In case the Licensee fails to provide connection to an applicant after raising a demand note, the Licensee shall pay the applicant, compensation as per Schedule-I of the Regulations:

Provided that the Licensee shall also refund the amount deposited by the applicant against the demand note along with interest as applicable in case of Security Deposit, within 30 (thirty) days from the date load is not sanctioned:

Provided further that if the connection could not be provided after issuance of the demand note for the reasons attributable to the applicant, no compensation shall be payable and the Licensee shall refund the amount deposited by the applicant against the demand

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10. Regulation 76 of DERC (Supply code and Performance Standards) Regulations 2017, lays down the procedure for determination and payment of compensation amount :

- 76. Procedure for Determination and payment of compensation amount:-

(1) The Licensee shall provide information to consumers with regard to its offices/ designated officers to settle claims for compensation.

(2) Any person who is affected by the failure of the Licensee to meet the standards of performance specified herein and who seeks to claim compensation shall file his claim, with such a Licensee within a maximum period of 60 (sixty) days from the time such a person is affected by such failure of the Licensee to meet the standards of performance:

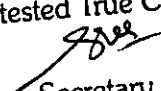
Provided that the Licensee shall compensate the affected person(s) within a maximum period of 90 (ninety) days from the date of filing his claim.

(3) In case failure of power supply is affecting one consumer, the default for the purpose of claiming compensation in such case shall be considered from the time the consumer has made the complaint.

(4) In case failure of power supply is affecting more than one consumer, the default for the purpose of claiming compensation in such case shall be considered from the time first consumer has made the complaint.

(5) In case the Licensee refuses to pay the compensation, the Licensee shall record the reasons in writing, giving due justification

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(6) In case the Licensee refuses to pay the compensation or if the affected person is aggrieved by non-redressal of his grievances, the aggrieved person can approach the respective Forum for redressal of grievances to seek such compensation.

(7) If the aggrieved person is not satisfied with the decision of the Forum, the affected consumer may approach the Ombudsman.

(8) If the claim for compensation is upheld by the Forum or Ombudsman, as the case may be, after following due process of Law, the compensation shall be determined in accordance with the Schedule-I of these Regulations:

Provided that the Forum or the Ombudsman may in addition to the compensation, award interest at the bank rate for the period from date when the compensation became first due:

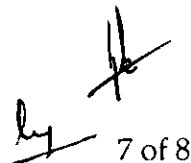
Provided further that the compensation shall be payable but not later than 90 (ninety) days from the date of a direction issued by the Forum or by the Ombudsman, as the case may be.

(9) All payments of compensation shall be made by way of adjustment against current and/or future bills for supply of electricity:

Provided that the compensation is paid to the applicant who is not consumer, the Licensee shall compensate by any mode of payment approved by the Commission other than cash.

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11. In view of the above Regulations, the complainant is advised to file her-claim with BYPL for compensation who will consider the claim as per Regulations, within prescribed time period.


ORDER

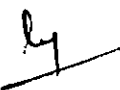
Since the OP has released all the seven connections requested by the complainant, the complaint is resolved, nothing remains to be adjudicated. The application for claim is disposed off in accordance with the above.

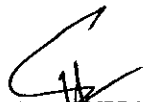
The parties are hereby informed that the instant Order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order.

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.


(NISHAT A ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN

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