



C A No. Applied For
Complaint No. 483/2024

In the matter of:

Madwi Devi

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. S.R Khan, Member (Tech.)
3. Mr. H.S. Sohal, Member

Appearance:

1. Mr. P.K Ray, Counsel of the complainant
2. Mr. Akash Swami, Ms. Chhavi Rani & Mr. Akshat Aggarwal, on behalf of respondent.

ORDER

Date of Hearing: 16th January, 2025
Date of Order: 28th January, 2025

Order Pronounced By:- Mr. P.K. Singh, Chairman

1. The brief facts of the case giving rise to this grievance are that Ms. Madwi Devi applied for new electricity connection vide request no. 8007073434 at premises no. A-135, Upper Ground Floor, Left Side G.D. Colony, Mayur Vihar, Phase-3, Delhi-110096, but respondent rejected the application of the complainant for new connection due to Floor Mismatch/Wrong floor applied (Upper ground floor not exist at site)", but complainant stated that the premises i.e. upper ground floor portion is existing in the plot M-135 and having parking space in ground floor.

Attested True Copy

Secretary
CCRE

Complaint NO. 483/2024

2. OP in its reply briefly stated that the complainant is seeking single new DX connection at premises bearing address UGF, left side A-135, G.D. Colony, Mayur Vihar Phase-3, Delhi-110096 vide application no. 8007073434.

That upon inspection of the said premises, it was discovered that there are several deficiencies which are in direct violation of the DERC Regulations 2017.

At the time of inspection, it was discovered that applied premises which is G+5 structure having 3 NX units at ground floor and 2 DX units at each floor from first floor to fifth floor.

Respondent submits as on date a total of 8 DX connection have been released from First to fourth floor and the details of the same are being tabulated herein below.

| Connection No. | Meter No. | Date of installment of connection | Name | Adress/Floor |
|----------------|-----------|-----------------------------------|------------------|--|
| 154488848 | 35993366 | 16.07.2024 | Sheela Balani | A-135-136, 4 th F, right side, Delhi-110096 |
| 154488849 | 35993367 | 16.07.2024 | Devendra Joshi | A-135-136, 4 th F, left side, Delhi-110096 |
| 154477347 | 35989467 | 08.07.2024 | Ajeet Singh | A-135-136, 3 rd F, Right Side, Delhi-110096 |
| 154477348 | 35989468 | 08.07.2024 | Dharmshila Sinha | A-135-136, 3 rd F, Left Side, Delhi-110096 |
| 154477349 | 35989469 | 08.07.2024 | Zareena | A-135-136, SF, Right Side, Delhi-110096 |
| 154477351 | 35989471 | 08.07.2024 | Aisho Devi | A-135-136, FF, left side, Delhi-110096 |
| 154477350 | 35989470 | 08.07.2024 | Kalpna Devi | A-135-136, SF, left side, Delhi-110096 |
| 101153500 | 35988898 | 11.05.2010 | Mittar Pal | A-136, Gharoli Dairy Colony. |

Attested True Copy

Secretary
CGRF (BYPL)

Complaint No. 483/2024

3. In response to the reply the complainant filed rejoinder. Complainant namely, Madhwi Devi W/o Pradip Kumar Ray is owner/user of the built up property/flat bearing no. A-135, Upper Ground Floor, Left Side G.D. Colony, Mayur Vihar, Phase-3, Delhi-110096. The above said building is old and constructed from ground floor (parking/total parking), upper ground floor, 1st, 2nd, 3rd floor, and 4th floor. All flats in building already have electricity connections but the only applicant's/complainant's flat have no electricity connection. It is further submitted by the complainant that as it is admitted by the respondent in their reply/WS that there is total G+5 structure at the above said building but they admitted that they have only installed electricity connections on Ground floor, 1st floor, 2nd floor, 3rd floor and 4th floor but they have not installed any connection at upper ground floor.

That it is submitted by the applicant/complainant that the electricity connection on the name of Mittar Pal is an old connection initially installed by the owner of the above said building that electricity connection was installed for the whole building not for any specific floor.

4. Both the parties were directed to conduct joint site visit. As per the joint site visit dated 09.12.2024, the complainant shows floor above the GF as upper ground floor whereas OP said it is 1st floor and they have already released a new connection on the first floor.

K.No. files of the connections released in the subject premises were also pursued and from the perusal of the K.No. files it is seen that the earlier connections released in the subject premises considering the floor above ground floor as first floor (and not UGF as now being claimed).

Attested True Copy

Secretary
CGRF (BYPL)

Complaint No. 483/2024

5. From the narration of facts and material placed before us, the following observations are made:-

- i) From perusal of the K.No. files of the connections already installed in the building, it is clearly evident that the building structure was shown as ground floor + five floors over it.
- ii) The NOC/AFFIDAVIT filed on record for obtaining the new connection clearly shows that property no. A-135-136 is a joint property and for release of the new connections the complainant has filed an Architect Certificate and the Architect Certificate also shows building height from road level up to fourth floor 15.0 meter approx. The building structure is shown as Ground floor, first floor, second floor, third floor, fourth floor and fifth floor.
- iii) The site inspection report dated 09.12.2024 shows that the connections which were granted for fourth floor are now catering electricity at the fifth floor. OP has released connections in the building till fourth floor and no connection was ever granted for fifth floor.
- iv) The complainant is playing smartly and now showing first floor as Upper Ground Floor and has applied for new connection on UGF. Even the floor above the parking is considered UGF then also the top floor is effectively fifth floor (while applying it was shown as fourth floor).
- v) OP has already issued Disconnection Notice under Regulation 50 clause (8) of DERC for disconnection of electricity connection bearing meter no. 35993367 in the name of Mr. Devendra Joshi, stating therein that "this is to bring to your notice that on 09.12.2024 a inspection team of BYPL has inspected the premises bearing address at A-135-136, Fourth Floor, GD Colony, Mayur Vihar Phase-III, Delhi-110096, wherein it was observed by the inspection team that your good self found indulged in unauthorized use of electricity by committing the illegal

Attested True Copy


Secretary
CGRF (BYPL)

Complaint No. 483/2024

extension of supply to the fifth floor of the premises from your above mentioned meter number which was sanctioned for the Fourth Floor of Premises."

- vi) That Already a connection on the first floor left side of property no. A-135-136, (now claimed to be UGF) G.D. Colony, Mayur Vihar Phase-III, Delhi vide CA no. 154477351 is released on 02.07.2024 in the name of Aisho Devi.
 - vii) From the perusal of the Architect Certificate filed by the complainant at the time of release of connections, the said Architect Certificate shows that building is having 5th floor and height of the building upto fourth floor is approx 15 meters.
 - viii) The complainant knowingly try to mislead the OP as well as this forum by applying for new electricity connection on the UGF, which is 1st floor (as per original Architect Certificate) and already an electricity connection is installed in the said portion vide C A no. 154477351.
 - ix) The photographs placed on record by the complainant clearly show AC installed.
 - x) That meter no. 36006498 is being used at GF parking, shops and right side 1st floor. CA no. 154477351 is being used as left side 1st floor (which is the applied floor).
6. In view of the above deliberations and findings, we are of considered opinion that the new connection cannot be granted to the complainant, as the complainant has tried to mislead the Forum and already a connection is installed at the applied premises in the name of Aisho Devi therefore, the connection applied for by the complainant in name of Madhwi Devi, at premises no. A-135, UGF, left side, G.D. Colony, Mayur Vihar, Phase-3, Delhi-110096 cannot be granted.

Attested True Copy

Secretary
CGRF (BYPL)

Complaint No. 483/2024

7. As stated above, the site inspection report dated 09.12.2024 shows that the connections which were granted for fourth floor are now catering electricity at fifth floor. Therefore in conclusion it can be said that the floor numbering of the building has been changed to benefit the electricity connection on the top floor or effective fifth floor as the height of said is floor is more than 15 floors.
8. Thus, we are of considered opinion, that the new connection as applied for by the complainant cannot be granted. OP should take action as per law for the connections shifted on the fifth floor of the applied building.

ORDER

Respondent has rightly rejected the application of the complainant of the new connection. However, if in future the complainant submits the Fire Clearance Safety Certificate, OP should release him new electricity connection, subject to fulfilling any other required commercial formalities as per DERC Regulations.

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.

on leave

(H.S.SOHAL)
MEMBER

[Signature]
22/1/25
(S.R. KHAN)
MEMBER (TECH.)

[Signature]
28/1/25
(P.R.SINGH)
CHAIRMAN

6 of 6

Attested True Copy

[Signature]
Secretary
CGRE (BYPL)