

C G R F



B Y P L

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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E-mail:cgrfbyp@hotmai.com

SECY/CHN/03/08/2024

C A No. Applied For
Complaint No. 253/2024

In the matter of:

Manoj Kumar & Priyanka KumariComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Rajesh Gautam, Counsel of the complainant
2. Mr. Akash Swami, Mr. R.S Bisht & Ms. Chhavi Rani, on behalf of respondent.

ORDER

Date of Hearing: 06th August, 2024

Date of Order: 12th August, 2024

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

1. The complaint has been filed by Mr. Manoj Kumar & Priyanka Kumari against BYPL-Nand Nagri. The brief facts of the case giving rise to this grievance are that complainants applied for new electricity connection vide request no. 8006480319, 8006480328, 8006480325, 8006480322 at premises no. 8, Kh No-601,

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Secretary
CGRF (BYPL)

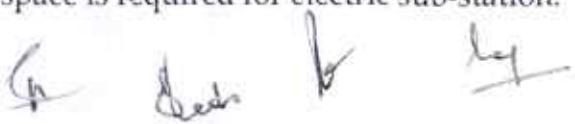
Complaint No. 253/2024

Gali no. 3, Bank Colony, Village Mandoli, Delhi -110093, but respondent rejected the applications of the complainants for new connections on the pretext of requirement of ESS Space and MRO, but complainant stated that at the time of construction a temporary meter was installed at above mentioned premises. Complainant also attached the order copy of Ombudsman in the matter of Rohtas Chander, appeal no 38/2023.

2. OP in its reply briefly stated that the complainant is seeking multiple new connections for premises bearing no. 8, Kh No-601, Gali no. 3, Bank Colony, Village Mandoli, Delhi -110093. Complainant had applied vide request no 8006480319, 8006480328, 8006480325, 8006480322.

On inspection it was found that the applied premises having a building structure of ground + 3 and the complainant is seeking four new connections, but the grant of new connections is not possible as it does not meet the feasibility parameters as stated under the DERC (Supply Code and Performance Standards) Regulations 2017. Upon inspection it was also discovered that at present the applied site has one temporary meter connection issued against CA no. 351372823 issued in the name of the complainant only. Respondent submits that the reliance being taken from another case by the complainant is also completely misconceived and misplaced as the in terms of the order dated 23.11.2023 passed by the Hon'ble Ombudsman in appeal no. 38/2023.

Reply further submits that the grant of new connection in terms of request made by the complainant in the instant case cannot be processed as requisite space is required for electric sub-station.

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3. In response to the reply the complainant filed rejoinder. The complainant has applied for domestic connections at property plot no. 8, Temp kh no. 601, Gali no. 3, bank colony, Mandoli, Delhi- 110093. The complainant is having a three-storey house built at this address about 50 yards. The complainant got temporary electricity connection during construction of his house vide CA no. 351372823. The complainant has been continuously paying the electricity bill of the said commercial electricity connection. The complainant is getting very high bill in his temporary meter.
4. Arguments of both the parties are heard.
5. From the perusal of documents placed on record, we find that the complainant applied for four new electricity connections at premises no. 8, Kh. No. 601, Gali No. 3, Bank colony, Village Mandoli, Delhi- 110093 which were rejected by OP on account of ESS space required and meter removal.

Perusal of orders of Hon'ble Ombudsman, in the matter of Rohtas Chander in appeal no. 38/2023, Hon'ble Ombudsman directed OP

- a) to enhance the capacity of the present transformer to cater to the requirement of all the residents in 'Pradhan complex', including the appellant.
- b) To undertake a positive action for development of suitable network within the complex for augmentation of the network/capacity. While taking that Sh. Chunni Lal, as the developer of this complex. He is liable to provide the space for ESS/network as per the amendment to clause 6 of Schedule for Charges and Procedures. This task needs to be completed within next three months.
- c) To refrain from taking arbitrary decision, which are contrary to the provisions of regulations and, at times, smack of high handedness.

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From above, it is clear that OP was directed to develop suitable network within the complex for augmentation of network/capacity. OP during the arguments states that Sh. Chunni Lal, the developer of the complex has not provided them space for augmentation of network/capacity.

6. From the above deliberations, we find that already installed transformer is overloaded and OP is not in a position to release the new connections to the complainants and space for installation of Electric Sub-Station is still not available with OP. The complainant is already in possession of one temporary connection, which was released to him for construction purpose. Now the construction work is over and the same connection is being used by the complainant for domestic purpose.
7. During the pendency of the case, it also came to our knowledge that OP has released two new connections on 05.07.2024 in the name of Rohtash Chander, which shows that the theory given by OP to the Forum that their transformer is overloaded and they cannot release the new connections to the complainant is biased.
8. Water and electricity is integral part of right to life. Hon'ble Supreme court in the matter of Dilip (dead) LR Vs Satish, in the case no. SCC 810 dated 13.05.2022 has held that electricity is basic amenity which a person cannot be deprived off. Even on the principle of law there should be equity before law and equal protection of law in the spirit of constitution.

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9. Therefore, in view of above deliberations, we are of considered opinion that OP in its own is releasing connections to others either deliberately or in connivance, thus; we cannot deny the new connections to the complainant as applied for by him.

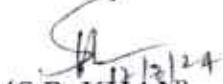
ORDER

The complaint is allowed with the direction to OP to release the all four connections as applied for by the complainant vide request no. 8006480319, 8006480328, 8006480325 and 8006480322 at his premises no. 8, Kh. No. 601, Gali No. 3, Bank Colony, Village Mandoli, Delhi-110093.

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.


(S.R. KHAN)
MEMBER -TECH


(P.K. SINGH)
CHAIRMAN


(P.K AGRAWAL)
MEMBER -LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER

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