



C A No. Applied for
Complaint No. 305/2024

In the matter of:

Manvar Singh Negi

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

1. Mr. Imran Ul Haq Siddiqi, Counsel for the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht & Mr. Akshat Aggarwal On behalf of BYPL

ORDER

Date of Hearing: 12th September, 2024

Date of Order: 08th October, 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 a new electricity connection at premises no. J&K, 109, Second & Third Floor, Kh. No.-63, Laxmi Nagar, Delhi-110092 vide requests no. 8006954160 & 8006954162. The applications of complainant were rejected by OP on the pretext of Connection Already Exist, but complainant stated that his application for new connection has been declined on false ground.

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2. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking two new connections for second and third floor of premises no. J&K, 109, Laxmi Nagar, Delhi-110092 vide requests no. 8006954160 & 8006954162. The applications of the new connections were rejected on account of no residential activity as applied building is a community hall and the whole of the building is used for the purpose of holding marriages, parties, functions and so on. On site visit it was found that the subject building structure is Ground plus three floors over it. The subject premises already have two electricity connections through meter no. 70157465 and 55396768 which are also DX connections used for Community Hall.

The subject premises were again revisited and the activities found on the various floors of subject building are:

- i. Ground Floor: One hall exists.
- ii. First Floor: Food Catering Hall exists.
- iii. Second Floor: 2 rooms exist for marriage and party functions.
- iv. Third Floor: One hall of tin roof structure and one room exists.

As the existing connections are under the wrong tariff category as such action has been initiated for change of category from DX to DOM3. It is clarified that tariff category for domestic is divided into various sub-categories wherein in respect of domestic connection which are not for residential purposes are under tariff category DOM3.

3. Rejoinder filed by the complainant refuted the contentions of the respondent as averred in their reply and submitted that the applied floors are used for residential purpose by the workers and staff of the charitable organization namely Garwal Samaj Samiti, which is using the ground and first floor of the building for charitable purpose including marriage programs and the staff and workers of the said Samiti are living on the second floor and third floor for which domestic connections has been applied.

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4. Heard both the parties and perused the record.
5. From the narration of facts and material placed before us we find that the premises where new connection is applied for by the complainant having address J&K, 109, Second & Third Floor, Kh. No.-63, Laxmi Nagar, Delhi-110092 vide requests no. 8006954160 & 8006954162. OP rejected the application of the complainant on pretext of connection already exist vide meter no. 70157465 and 55396768 (same activity).

The Electricity Tariff Schedule for FY 2021-22, for BRPL, BYPL, TPDDL and NDMC states that the **domestic category** is available to the following:


- a. Residential consumers.
- b. Hostels of recognized/aided institutions which are being funded more than 90% by Municipal Corporation of Delhi or Government of the NCT of Delhi or any other Government/local bodies (Local bodies include NDMC and MCDs (North, South & East).
- c. Staircase lighting in residential flats separately metered.
- d. Compound lighting, lifts and water pumps etc., for drinking water supply and fire-fighting equipment in residential complexes, if separately metered.
- e. In Group Housing Societies etc. for bonafide use of lighting/fan and power, subject to the provision that the supply is at single point delivery for combined lighting/fan & power.
- f. Dispensary/ Hospitals/ Public Libraries/ School/ College/ Working Women's Hostel/ Charitable homes run and funded by more than 90% by Municipal Corporation of Delhi or Government of the NCT of Delhi or any other Government/local bodies.

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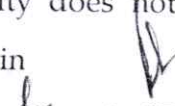
- g. Small Health Centres including Mohalla Clinics approved by the Department of Health, Government of NCT of Delhi for providing charitable services only.
- h. Recognized Centres for welfare of blind, deaf and dumb, spastic children, physically handicapped persons, mentally retarded persons, as approved by the Government of NCT of Delhi and other Government.
- i. Public parks except temporary use for any other purpose.
- j. Bed and Breakfast Establishments (Residential Premises) registered u/s 3 of the National Capital Territory of Delhi (Incredible India) Bed and Breakfast Establishments (Registration & Regulations) Act, 2007.
- k. Places of Worship.
- l. Cheshire homes/Orphanage.
- m. Shelter Homes (including Night Shelters) approved by Delhi Urban Shelter Improvement Board, GoNCTD.
- n. Electric Crematoriums.
- o. Gaushala Registered under GoNCTD.
- p. Professionals i.e. individuals engaged in those activities involving services based on professional skills, viz Doctor, Psychologist, Physiotherapist, Lawyer, Architect, Chartered Accountant, Company Secretary, Cost & Works Accountant, Engineer, Town Planner, Media Professional and Documentary Film Maker may utilize the domestic connection at their residence for carrying out their professional work in the nature of consultancy without attracting Non-Domestic tariff for the electricity consumed, provided that the area used for professional activity does not exceed the area permitted to be used for such activity in

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residential area under the Master Plan for Delhi, 2021 (MPD-2021), which as per MPD-2021 is permissible on any one floor only but restricted to less than 50% of the permissible or sanctioned FAR whichever is less on that plot or dwelling unit.

- q. Available, for loads up to 21 kW, to farm houses for bonafide domestic self use.
- r. The consumers (owner, tenant or occupier of premises) running small commercial establishments including Paying Guest from their households (houses under Domestic Category) having sanctioned load upto 5kW under Domestic Category, shall be charged Domestic Tariff.
- s. Cattle Farms/ Dairy Farms/ Dhobi Ghat with a total consumption of not more than 1000 units/month.

NON-DOMESTIC

Available to all consumers for lighting, fan & heating/cooling power appliances in all Non-Domestic establishments as defined below:

- a. Hostels/Schools/Colleges/Paying Guests (other than that covered under Domestic Category)
- b. Auditoriums, Lawyer Chambers in Court Complexes, nursing homes/diagnostic Centres other than those run by Municipal Corporation of Delhi or the Government of NCT of Delhi (other than that covered under domestic category).
- c. Railways (other than traction), Hotels and Restaurants
- d. Cinemas
- e. Banks/Petrol pumps including CNG stations
- f. All other establishments, i.e., shops, chemists, tailors, washing, dyeing, drycleaner, beauty salon, florist, etc. which do not come under the Factories Act.

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- g. Fisheries, piggeries, poultry farms, floriculture, horticulture, plant nursery
- h. Farm houses being used for commercial activity
- i. DMRC for its commercial activities other than traction.
- j. DIAL for commercial activities other than aviation activities.
- k. Ice-cream parlours
- l. Single Point Delivery for Commercial Complexes supply at 11 kV or above
- m. Pumping loads of DDA/MCD
- n. Supply to Delhi Metro Rail Corporation (DMRC) Ltd. for their on-going construction projects etc. and for commercial purposes other than traction.
- o. Any other category of consumers not specified/covered in any other category in this Schedule.

During the arguments, OP stated that they have inadvertently mentioned in their reply that domestic connections of the complainant will be converted into Domestic 3 category as the community hall is being used for marriage purposes. This category comes under non-commercial activity.

The complainant has sought connections in the community hall and the above stated categories nowhere show the community halls. But the categories under Non-domestic show that "any other category of consumers not specified/covered in any other category in this Schedule". Means those categories which are nowhere mentioned shall come under non-domestic category.

The community halls are used for marriage purposes which do not come under domestic category.

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In view of above, we are of considered opinion that the applications of the complainant for new connection under domestic category cannot be granted.

ORDER

The complaint is rejected. The OP has rightly rejected the application of the complainant for new connection.

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 Orders are not appealed against within the stipulated time or no interim stay thereon has been granted by the Ombudsman, the same shall be deemed to have attained finality.


Any contravention of these Orders is punishable under Section 142 of the Electricity Act 2003.


(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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