

C A No. Applied For
Complaint No. 289/2024

In the matter of:

Mohd SehrulComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

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)
5. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 12th September, 2024

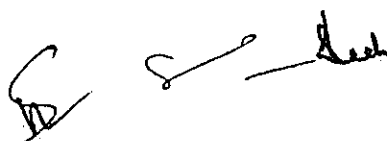
Date of Order: 23rd September, 2024

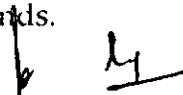
Order Pronounced By:- Mr. Nishat A Alvi, Member (CRM)

1. Present complaint has been filed by the complainant against rejection, of his application for new connection. The ground, OP rejected on, is that the subject premises have incomplete wiring; building is not in good structure and one meter without showing any floor exists at site. Complaint alleged that as such his application for new connection has

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Secretary
CGRF (BYPL)



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2. In reply to the complaint, OP states that the complainant applied electric connection on the ground floor of the premises bearing no. R-211, old plot no. 9, Ramesh Park, Laxmi Nagar, Delhi-110092 vide application no. 8006927655. The application for the new connection of the complainant was rejected on following grounds - a) applied premises is completely demolished structure and there is no wiring at applied site, and b) one DX meter already exist at the applied site, hence other connection cannot be given there. Further stating that if required only category change may be sought which would be dealt with separately. Reply also states that since the complainant has applied for NX connection, BCC is required.
3. In rejoinder to the reply, complainant refuting the OP's objections stating that the applied building is not demolished one. But only a renovation work is going on therein. Regarding the existence of a DX connection, rejoinder states that the same does not exist on the applied floor and is being used on one of the upper floors. Rejoinder further states that there are five units in the applied building and only four electricity connections including one unit at GF are installed there and applied premises is having no electricity/connection. Rejoinder further clarifies that since the subject connection is not existing and/or supplying electricity on his floor the complainant has no right over it and as such can't ask for change of category thereof as suggested by the OP. Regarding benefit of sixth amendment order 2021, rejoinder states that the complainant attracts the benefit thereof.
4. In support of their contentions, complainant has placed on record copy of the deficiency letter and OP has placed on record IR along with copies of bills of the connections installed in the subject building.

5. Heard and perused the record.

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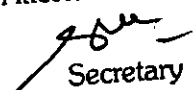
6. As per pleadings, the request of the complainant for an NX connection was rejected by the OP mainly on the grounds i.e. the premises is a completely demolished structure and there is no wiring activity at applied site and already there exists a connection of domestic nature. However, in reply OP has added one more ground, for grant of the complaint, namely since NX connection is applied for, BCC and NOC is a pre-requisite for grant of connection. Regarding requirement of BCC since as per sub-regulation 1(iv) of Regulation 11 of DERC (Supply Code and Performance Standards) Regulations 2017, no subsequent deficiency can be raised, this ground is not maintainable. Even otherwise as the building consists of G+3 floors only, as also shown in the IR of OP, there is no requirement of BCC as alleged.

Regarding the objection of the applied site being a demolished structure as per complainant there is no such demolition but only renovation work is going on. This fact is also substantiated by the OP's own contention that already there are four connections supplying electricity in the subject building. However, regarding objection of no wiring there is no specific denial on behalf of the complainant. So far as the second objection, of already there being connection on applied floor, clarification is given by the complainant that the connection is not existing on the applied floor and the same is being used on other floor of the building.

In this regard, we have gone through the bills placed on record by the OP. Perusal of the bills shows that two connections are installed on the second floor and one at first floor and the connection, the OP alleges to be existing on the ground floor, shows no floor on the bill. As there is no floor on the alleged bill/connection, onus to prove that the said connection pertains to the GF is on OP but OP has failed to prove the same.

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7. As per above said findings, we are of the considered view that the building of applied site is not a demolished structure and only renovation work is going on. However, only proper wiring is required to be shown to the OP. We also find that the meter no. 35483834 does not exist on the GF/applied floor. We also find that, as the building comprises of G+3 floors height whereof may be below the 15 meters, there is no requirement of BCC. However, 6th amendment relates to residential units only thus complainant can't claim benefit thereof.
8. In the facts and circumstances aforesaid the request of the complainant vide no. 8006927655, was wrongly rejected by the OP on baseless grounds. Hence the complainant is very much entitled for the connection applied for.

ORDER

The complaint is allowed. OP is directed to grant NX electricity connection, as applied for vide request no. 8006927655 by the complainant, on the applied floor being GF, R-211, Ramesh Park, Laxmi Nagar, Delhi-110092, subject to the condition that complainant shall complete first the wiring therein.

Case is disposed off as above.


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

Proceedings closed.



(S.R. KHAN)
MEMBER-TECH


(P.K. SINGH)
CHAIRMAN


(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
Attested True Copy MEMBER-CRM


(H.S. SOHAL)
MEMBER


Secretary
CGRF (BYPL)