



C A No. Applied for
Complaint No. 321/2024

In the matter of:

Raju Singh

.....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. Neeraj Kumar, 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: 08th August, 2024

Order Pronounced By:- Mr. H.S. Sohal, Member

1. The brief facts of the case giving rise to this grievance are that the complainant applied for new temporary electricity connection at premises no. 803-802, GF, Guru Ramdas Nagar, Laxmi Nagar, Delhi-110092, vide requests no. 8006961692. The application of complainant was rejected by BYPL on the pretext of meter removal required for meter no. 11716801.

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2. The respondent in reply briefly stated that the present complainant has been filed by complainant seeking for new electricity connections at premise no. 802-803, GF, temp, Guru Ramdas Nagar, Laxmi Nagar, Delh-110092, vide request no. 8006961692. The application of the new connection was rejected on account of meter removal of existing connection bearing no. 11716801 required.
Upon site inspection, it was observed that temporary meter vide CA no. 100916177 in the name of Harjeet Singh, (father of the complainant) illegally shifted from the applied site to its adjacent side.
3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the property in question was parental property since 19 May 1975 and presently 5th share (24 square yards) is parted without electricity connection, therefore, the complainant wants to construct his share and needs temporary electricity connection. He also placed on record GPA and partition deed. He further states that CA no. 100916177 is presently being used by three other brothers on the other part of the property.
4. Arguments of both the parties were heard at length. During the course of arguments OP quoted Regulation 10(5) of DERC Regulations 2017, according to which for re-construction of existing property the complainant has to surrender earlier installed connections.
5. Before disposal of this grievance, relevant regulation as quoted by OP in their arguments should be read as follow:-

10. New and Existing Connections:-

(5) Reconstruction of Existing Property:- In case of complete demolition and reconstruction of the premises or the building following shall apply:

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(i) Supply of electricity from existing connection shall not be allowed to be used and same shall have to be essentially surrendered by the owner/occupier/developer of the premises.

(ii) Meter and service line shall be removed, and the agreement shall stand terminated only after realizing all dues payable to the Licensee and thereafter the security deposit of the consumer shall be duly returned by the Licensee as per the Regulations.

(iii) The owner, occupier, developer of the premises, as the case may be, shall apply for temporary connection and the Licensee shall give such temporary connection subject to Regulation 16: Provided that temporary connection in all such cases shall be given only after the outstanding dues, if any, for such premises, are fully cleared.

(iv) Such reconstructed premises or building shall be treated as new premises and the consumer shall be required to apply afresh for a new connection as per these regulations.

(v) Any new connection to such reconstructed premises shall be given only after the outstanding dues attributed to the premises are duly paid by the applicant: Provided that in case such reconstructed building is occupied by multiple owners, the treatment for new connection(s) to such multiple owners in the reconstructed building shall be given as if the property is sub-divided as in Regulation 10(4).

6. The above stated Regulation clearly states that in case of complete demolition and reconstruction of the premises or the building the supply of electricity from existing connection shall not be allowed to be used and same shall have to be essentially surrendered by the owner/occupier/developer of the premises.

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But in the present case the building or premises are not completely demolished. Only some part which is in favour of the complainant is being demolished or reconstructed. Rest part of the property is still there and the electricity connection in the name of Harjeet Singh (father of the complainant) bearing CA no. 100916177 is being used in the other portion of the property.


7. In view of the above, we are of considered opinion that the new electricity temporary connection as applied by the complainant be granted.

ORDER


Complaint is allowed. Respondent is directed to release the new connections applied by complainant vide application no. 8006961692 at premises no. 802-803, GF temp., Guru Ramdas Nagar, Laxmi Nagar, Delhi-110092 after completion of all the commercial formalities as per DERC Regulations 2017.

The 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

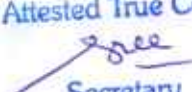

(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER

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