



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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SECY/CHN/1508NKS

C A No. Applied For Complaint No. 304/2024

In the matter of:

Rashmi GuptaComplainant

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.)

Appearance:

1. Mr. Ravi Gautam, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal, on behalf of respondent.

ORDER

Date of Hearing: 13th August, 2024

Date of Order: 19th August, 2024

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

1. The complaint has been filed by Ms. Rashmi Gupta against BYPL-Nand Nagri. The brief facts of the case giving rise to this grievance are that complainant applied for new electricity connection vide request no. 8006959663 at premises r.o. 9-A, FF, Gali No. 3, Kh No. 601, Bank Colony, Village Mandli, Delhi -110093

[Handwritten signatures/initials]

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but respondent rejected the application of the complainant for new connection 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 in June 2023. 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 by the way of this complaint is a) seeking conversion of existing temporary connection into a permanent connection. B) New connection for first floor of property bearing no. 9-A, Khasra No. 601, Gali No. 3, Bank colony, Mandoli-110093.

Reply further states that said property is situated in Pradhan Complex which has been developed by Chunni Lal by dividing the area into small plots which stands sold to third parties like the complainant in the present case.

It is further added that at the outset non-domestic temporary connection bearing CA no. 3513/5552 was granted in 14.06.2023 for construction purposes for a period of one year only and the said period has expired on around 14.06.2024 as such the complainant is required to surrender the existing temporary connection for the ground floor and seek a new connection.

With regard to the new connection application vide request no. 8006959663 for the first floor, it is submitted that the site was inspected and it was found that the subject premises consists of ground+ two floors over it and application for new connection was rejected on ground of requirement of space for installation of ESS.

A handwritten signature in blue ink, appearing to read "Babu L S" with a stylized 'L' and 'S'.

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3. In response to the reply the complainant filed rejoinder. The complainant has applied for new connection for ground floor on 29.05.2024 vide request no. ONNG2905241205 but same was rejected on 04.06.2024 vide application no. 8006984837 on pretext of space of electric substation and removal of existing meter required. The complainant further stated that after dismissal of his request for new connections the complainant alongwith bill dated 18.05.2024 received one letter with subject line '**Revision of sanctioned load/security deposit as per DERC (Supply code and Performance Standards) Regulations 2017, clause 17(4)**' and demanded additional security deposit of Rs. 4500/- which will be debited in month of July 2024 electricity bill under head - other charges.
4. Arguments of both the parties are heard.
5. From the perusal of documents placed on record, we find that the complainant applied for conversion of temporary connection at ground floor to permanent connection and a new electricity connection at first floor of premises no. 9-A, Kh. No. 601, Gali No. 3, Bank colony, Village Mandoli, Delhi-110093 which were rejected by OP on account of ESS space required and removal of temporary meter. 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.

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 OP states that already installed transformer is overloaded and they 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. We also find that the complainant placed on record a letter from OP dated 18.05.2024 for revision of load of temporary connection. OP on one side is saying that there transformer is overloaded and on other hand they are issuing notice to the complainant for enhancement of load. Also, 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.
7. 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.

Abul *by* *SC*

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8. 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 connection to the complainant as applied for.

ORDER

The complaint is allowed with the direction to OP to release new electricity connection at the ground floor of premises no. 9-A, Kh. No. 601, Gali No. 3, Bank Colony, Village Mandoli, Delhi-110093 in place of temporary connection, after completion of all other formalities as per DERC Regulations 2017.

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.


(NISHAT A ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


(S.R. KHAN) 19/2/24
MEMBER (TECH.)


(P.K. SINGH) 19/2/24
CHAIRMAN