



C A No. Applied For
Complaint No. 96/2024

In the matter of:

SeemaComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

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)

Appearance:

1. Mr. Imran Ul Haq Siddiqi, Counsel of the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht, & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 16th May, 2024
Date of Order: 20th May, 2024

Order Pronounced By:- Mr. P.K. Agrawal, Member (Legal)

1. The brief facts of the case giving rise to this grievance are that complainant Seema applied for new electricity connection at premises C-6/14, GF, Common Light, C-block, Mandawali, Fazalpur, Delhi-110092, vide application no. 8006765005. The application of the complainant was rejected by Opposite Party (OP) BYPL on the pretext that there is no stilt parking at the ground floor and connection is not feasible for common light.





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Secretary
CGRF (BYPL)

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2. The respondent in reply briefly stated that new electricity connection has been applied by the complainant vide request no. 8006765005 at premises no. C-6/14, Ground Floor, common light, C Mandawali Fazalpur, Delhi-110092 and said application of the complainant was rejected as applied premises is ground plus five floor, with no stilt parking. Entire building is already energized and there is only one CFL bulb of 15 watt and common gallery is approx 50 sq. yards, the said new connection is not feasible. OP further added that upon site inspection it was found that applied premises is ground plus five floors and without stilt parking and entire building belongs to single owner only. It was also discovered that entire building i.e. ground floor and all above floors are already energized. At ground floor there are two shops and no stilt parking.
3. Rejoinder filed by counsel of the complainant refuted the contentions of the respondent as averred in their reply and stated that complainant's premises are residential in nature and having separate persons as flat owners and new connection is sought for staircase purpose under DOM 3 tariff category as per tariff order 2020-21.
4. Heard arguments of both the parties were heard at length.
5. The issue is whether the new connection can be granted to the complainant for stair case or common area or not?
6. Before disposing off the application of the complainant, it is relevant to discuss the rules and regulations applicable to this issue.

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DOMESTIC TARIFF

5.6 Domestic Tariff is applicable for power consumption of Residential Consumers, Hostels of recognized/aided Educational Institutions and staircase lighting in Residential Flats, Compound Lighting, Lifts and Water pumps or drinking water supply and Fire-fighting equipment, etc. bonafide Domestic use in farm houses, etc. as per the Tariff Schedule.

Above stated Rule of DERC Tariff order 2021-22, clearly states that new connection under domestic category for staircase, lighting in residential flats and compound lighting is applicable for power consumption as per Tariff Schedule.

It is admitted fact that building structure is ground plus five floors over it, the Domestic 3 category connection is for common passage, stilt parking and staircase etc. There is no specific definition that Domestic 3 category connection can only be given if there is stilt parking only. In the present case, although there is no stilt parking but the building has stairs, which is admitted by both the parties. Thus the new connection to the complainant cannot be rejected on this very ground only that there is no stilt parking and common passage is only of 50 sq yards.

OP's contentions that the entire building belongs to single owner only, is denied by the complainant stating that though the connections are released on the NOC of one person but all the portions in the building have different owners/tenants.

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7. Taking cognizance of the above stated rules and facts, new connection to the complainant for common area cannot be denied. Therefore, OP should entertain the new connection application of the complainant and release the connection under DOM 3 category for the usage of common area only.

OP also contended that the complainant had not fulfill the requirements for grant of common lighting. Therefore, the complainant is directed to complete all the necessary requirements for grant of connection as per DERC Regulations 2017.


ORDER


The complaint is allowed. OP is directed to release the new electricity connection to the complainant as applied for by her vide application no. 8006765005 under DOM 3 category for the use of common area only after fulfillment of all the required commercial 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.
Proceedings closed.


(NISHAT A ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


(S.R. KHAN)
MEMBER (TECH.)


(P.K. SINGH)
CHAIRMAN

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CGRE (BYPL)