



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 015/08NKS

C A No. Applied for Complaint No. 171/2024

In the matter of:

Shashi Shekhar KeshariComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Imran UlHaq Siddiqi, Counsel of the complainant
2. Mr. Akash Swami, Mr. R. S. Bisht & Ms. Chhavi Rani On behalf of BYPL

ORDER

Date of Hearing: 5th November, 2024

Date of Order: 21st November, 2024

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

1. The brief fact of the case giving rise to this grievance is that the complainant applied for a new electricity connection at premises no. I-63-A, First Floor, Gali No.-3, Garwali Mohalla, Laxmi Nagar, Delhi-110092, vide requests no.8006792847. The application of complainant was rejected by Opposite Party (OP) BYPL on the pretext of Connection already exists (Parking converted into shop) but complainant stated that he will surrender the existing meter at the time of installation of new connection.

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2. The respondent in reply briefly stated that the present complaint has been filed by the complainant seeking new electricity connection at the ground floor of the property bearing no. I-63-A, Gali No.-3, Garwali Mohalla, Laxmi Nagar, Delhi-110092, vide requests no.8006792847. The application of the new connection for NX Shop was rejected on account of connection already exist vide no. 55236169 obtained and sanctioned in terms of the structure having Parking+ UGF+ Third Floor. Complainant has converted the parking in the shape of Shop and subsequently applied the connection for Shop. At present, 5 meters exist on site which were obtained and sanctioned in terms of the structure having 'Parking+ UGF+ Third Floor'. All of which have to be removed now as sanctioned structure stands modified and is in violation of the provisions of DERC Code. Moreover, now height exemption of 17.5 meters now does not holds in favor of the complainant.

The details of existing connection connections are mentioned below:

Meter No.	Applicant Name	Floor	Category	D.O.I.
70246753	Vishwa Prakash Nainwal	Second Flor	DX	23.10.2019
70246752	Anil Nainwal	Third Floor	DX	23.10.2019
55236168	RishabhSinghal	First Floor	DX	23.10.2019
70246754	Vishwa Prakash Nainwal	U/G/F	DX	14.04.2024
55236169	Amit Kumar Saxena	Second Floor	Dom 3	14.04.2024

Thus, all the connections at site have now become inconsistent with the applicable provisions of DERC (Supply Code & Performance Standards) Regulations, 2017.

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3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the complainant's premises are built from ground to four floors and new connection is applied on ground floor portion which is separate portion from the parking area. Also the parking area has not been converted into the shop as alleged by the OP as both portions are separate from one another and no building structure has been changed or modified by the complainant as alleged by the OP. Hence, it is well below 15 meters of permissible height of DERC (Supply Code & Performance Standards) Regulations, 2017.
4. Heard arguments of both the parties at length.
5. During the course of arguments, both the parties were directed to conduct joint site visit and the complainant was directed to submit Architect Certificate.
6. As per the joint site visit dated 27.08.2024, the building structure is ground plus four floors over it. Height of the building is 15.15 meters and already five meters exists in the applied building under domestic category.
K. No. files of released connections were also called by the Forum and there also the height of the building is mentioned as 15.10 meters.
7. The counsel of the complainant also filed Architect Certificate stating therein that height of the building till third floor is less than 15 meters. OP during final arguments stated that they have verified the Architect Certificate also filed an e-mail to this effect stating therein that they have verified telephonically from the Architect that the building height is less than 15 meters.

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8. In view of the above, we are of considered opinion that new commercial connection has been applied for by the complainant on the ground floor of the building having height within 15 meters as per Architect Certificate which has also been verified by OP from the Architect and confirming same vide its mail dated 04.11.2024.

Although OP has mentioned that connections already exist were sanctioned considering the building height 17.5 meters with parking and the act of converting the parking in the share of shop is also violation of the applicable laws, but OP has not mentioned the applicable laws.

Therefore, as per above discussions denying complainant the new electricity connection is not justified, when the height of the building is within 15 meters which is as per applicable rules and regulations.

9. The objection of OP is not justified and we cannot deprive the complainant of his right to basic amenity of life. Therefore, OP is hereby directed to grant the application of the complainant for electricity connection in the applied premises. Since, water and electricity is integral part of right of life. Hon'ble Supreme Court in the matter of Dilip (dead) LR Vs Satish, in the case no. SSC 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. We don't find any hindrance in granting new electricity connection to the complainant.

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ORDER

The complaint is allowed with the directions to OP to grant the request of the complainant for new electricity connection under NX category at the ground floor of premises bearing no. I-63-A, GF, Gali. No. 3, Garhwali Mohalla, Laxmi Nagar, Delhi-110092 Vide application no. 8006792847.

This Order shall be complied within 21 days of the receipt of the certified copy or from the date it is uploaded on the Website of the Forum; whichever is earlier.

The parties are hereby informed that instant Order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order.

If the Order is not appealed against within the stipulated time, the same shall be deemed to have attained finally.

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


(H.S. SOHAL)


(NISHAT A ALVI)


(P.K. AGRAWAL)


(S.R. KHAN)

MEMBER

MEMBER (CRM)

MEMBER (LEGAL)

MEMBER(TECH.)

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