

C A No. Applied For
Complaint No. 129/2024

In the matter of:

Suvita Tulli

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. Akshat Aggarwal & Ms. Chhavi Rani, on behalf of respondent.

ORDER

Date of Hearing: 11th June, 2024

Date of Order: 13th June, 2024

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

1. The complaint has been filed by Ms. Suvita Tulli against BYPL-Shankar Road. The brief facts of the case giving rise to this grievance are that the complainant applied for new connection vide request no. 8006765143 at premises no. 245-246, Upper Ground Floor, Double Storey, New Rajinder Nagar, Delhi-110060.

Attested True Copy

Secretary
CGRF (BYPL)

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Respondent rejected the application of the complainant on pretext of connection already exists at UGF and LGF and UGF are duplex. She further submitted that she has applied for domestic connection on the upper ground floor of the property whereas commercial connection is installed at the lower ground floor of the property.

2. OP in its reply briefly stated that the complainant is seeking electricity connection vide request no. 8006765143 at premises no. 245-246, New Rajinder Nagar, Delhi-110060. The building structure consists of ground plus three floors over it, wherein the floor sequence is taken as Lower Ground Floor, Upper Ground Floor, First Floor and Second Floor. The LGF and UGF are a part of one and the same duplex flat. The staircase leading towards the UGF is inside the LGF portion with a common entrance. The said duplex property is already electrified through meter no. 17024894 having billing address as GF and registered in the name of Major Gen J.K. Kapoor.
3. Counsel of the complainant in rejoinder refuted the contentions of the respondent as averred in their reply and reiterated his original complaint. He further submitted that the complainant applied for electricity connection for upper ground floor is having separate dwelling unit and as per DERC Regulations, the complainant is entitled for a separate connection in her favour. He also submitted that meter no. 17024894 is installed at lower ground floor and complainant applied for new connection on upper ground floor.
4. Arguments heard and perused the record.

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5. Before disposal of the complaint, relevant Regulations are narrated here:

10. New and Existing Connections:- (1) General:- (vi) Wherever, one dwelling unit has been sub-divided and separate kitchen as well as separate entry is available, second electric connection may be given to the lawful occupant.

(4) Sub-divided Property:- (i) Where property/premises have been legitimately subdivided, the owner/occupier of the respective portion of such sub-divided property shall be entitled to obtain independent connection in his name.

6. From the narration of the facts and material placed before us, we find that it is admitted fact by both the parties that the property in question is duplex property and the complainant has applied for new electricity connection on the upper portion of the duplex property, since the connection already installed vide meter no. 17024894 is catering electricity supply to the lower ground floor of the duplex property. Counsel of the complainant contended that his property is constructed as per relevant law and has separate kitchen but has not placed any documentary evidence in support of his contentions. He has also not placed on record any property documents/separation documents or relationship with the current registered consumer of electricity connection at lower ground floor of the property.

Complainant in her complaint has also mentioned that she needs domestic connection at upper ground floor and the connection already energized on the lower ground floor is commercial connection, but has not placed on record any proof in this regard. Whereas, OP has submitted copy of electricity bill installed at the lower ground floor having meter no. 17024894 in the name of Maj Gen J.K. Kapoor of domestic category. Thus, the contention of the complainant is unjustified.

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7. In the facts and circumstances aforesaid, we are of the view that the property where new electricity connection is asked for does not have separate entry. Besides that, the complainant has not placed on record legitimate property documents showing that the duplex property is sub-divided and/or relationship of the applicant with the holder of the present connection. Therefore, the complainant failed to offer enough justification for a separate connection.
8. In view of the above, new connection to the complainant cannot be granted unless the complainant fulfills the above said requirements as per DERC Regulations 2017.


ORDER


The complaint is rejected. OP has rightly rejected the application for new connection.

The case is disposed off as above.

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


(H.S. SOHAL)
MEMBER


(NISHAT A ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


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