



C A No. Applied For
Complaint No. 39/2021

In the matter of:

Malti DeviComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. Arun P Singh (Chairman)
2. Mrs. Vinay Singh, Member (Legal)
3. Dr. Harshali Kaur, Member (CRM)

Appearance:

1. Mr. Rahul, On behalf of complainant
2. Mr. Imran Siddiqi & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

Date of Hearing: 22nd March, 2021

Date of Order: 05th April, 2021

Order Pronounced by:- Mrs. Vinay Singh, Member (Legal)

Briefly stated facts of the case are that the complainant applied for new connection but the respondent company has not release the new connection till date.

It is also her submission that she is residing at House no. 32/4, Gali No. 2, Saboli Gaon, Delhi. She applied for new connection at the said address on 08.09.2020 vide application no. 8004531851. But on 17.10.2020 the respondent rejected her application for new connection on the pretext of requirement of

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long service cable. She further submitted that her neighbor Kunti Devi also applied for new connection and same was installed on 11.01.2021 vide CA No. 153226685, whereas her residence is more far than my residence.

She further submitted that she wrote via e-mail to respondent on 06.02.2021 asking for reason for not releasing her new connection and in reply to her mail on 15.02.2021 respondent stated that the transformer from where connection has to be granted is overloaded.

She further stated that if the transformer is overloaded then how on 18.02.2021 respondent released new connection to Pradeep Kumar, another neighbor. Therefore, she requested the forum to direct the respondent company for immediate release of the new connection.

Notices were issued to both the parties to appear before the forum on 22.03.2021.

The respondent company submitted their reply stating therein that the complainant applied for new connection vide application no. 8004531851 on 08.09.2020, however same was rejected due to long service line required and there were no support pole available at site. After rejection of new connection the complainant approached respondent and however as service cable route from pole to applicant premises was in L type shape and no support was available and to resolve the case site was visited on 29.01.2021 and 26.02.2021.

Respondent further added that after resolving the matter on 02.03.2021, demand note of the complainant was generated on 02.03.2021 and same was paid by the complainant on 02.03.2021 and connection was thereafter released on 04.03.2021 before registration of the complaint in the forum.

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The matter was heard on 22.03.2021, when the respondent filed its reply that they have released the demand note, but the complainant is not satisfied, asking action for six months delay for grant of the connection. The respondent was directed to file photocopy of the released demand note and explain whether they have put extra pole for releasing the connection. Respondent was also directed to file all the above details within three working days and also to submit point wise reply to the complaint within three working days. Arguments of both the parties were heard and matter was reserved for orders.

The respondent submitted their additional reply submitting therein that the grievance of the complainant was resolved and new electricity connection was duly energized on 04.03.2021, before registration of the present complaint on 09.03.2021, the grievance of the complainant was duly resolved and hence the present complaint is not maintainable and required to be disposed off.

We have gone through the submissions made by both the parties. From the narration of facts and material placed before us we find that there is a serious lapse on the part of the respondent. They have harassed the complainant without any reason and rhyme. The complainant applied for new connection on 08.09.2020 but the respondent make him run from pillar to post for release of the new connection. The new connection of the complainant was released only after the complainant made complaint before the Forum.

Since electricity is an essential commodity and same is upheld by different Court's, which is narrated below:-

In the matter of Saifuddin Vs CESC limited, 27 H 29 Calcutta High Court.

The Court is of opinion that electricity is the basic necessity.

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In the matter of Durga Rani Singh Vs WBSDCL, 9 May 2016 Calcutta High Court, "A person is settled occupier of any premises is entitled to get electricity connection. The right to get electricity is considered as an extended Fundamental Right.

As above we are of the opinion that firstly, the respondent refused to release the new connection to the complainant for one or the other reasons. But after the complainant's filing complaint in the Forum the respondent without raising any objection regarding support or long service line (as per their requirement in deficiency letter) released the new connection to the complainant.

After going through all the aspects of the case, the Forum is of the considered opinion that the respondent delayed in release of new connection for more than six months, therefore, the Forum awards complainant compensation for the harassment caused to her by the respondent by not releasing the new connection, as per Schedule I of DERC (Supply code and Performance Standards), Regulations 2017, which is narrated below:-

1. Connection where no Network augmentation is required

Release of connection in electrified areas	As per Regulation 11	From 8th day from the acceptance of application in case where no RoW or road cutting permission is required or From 15th day from the acceptance of application in case where RoW or road cutting permission is required, as the case may be.	1.5% of the demand charges deposited by consumer for each day of default.
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The respondent is directed to provide the complainant, compensation as per above stated DERC Regulations Schedule I, which is 1.5% of the demand charges deposited by the complainant for each day of default for deficiency in their service.

The case is disposed off as above.

No order as to the cost. A copy of this order be sent to both the parties and file be consigned to record room thereafter.

The order is issued under the seal of CGRF.

The compliance should be reported within 30 days. The order is issued under the seal of Consumer Grievance Redressal Forum (BYPL).


(HARSHALI KAUR)
MEMBER (CRM)


(VINAY SINGH)
MEMBER (LAW)


(ARUN P SINGH)
CHAIRMAN