

C A No. Applied For
Complaint No. 240/2023

In the matter of:

Guru Charan SinghComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat A Alvi, Member (CRM)
3. Mr. S.R. Khan, Member (Technical)
4. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Neeraj Kumar, Counsel of the Complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

Date of Hearing: 24th August, 2023
Date of Order: 01st September, 2023

Order Pronounced By:- Mr. S.R. Khan, Member (Technical)

1. This complaint has been filed by Mr. Guru Charan Singh against BYPL-YVR.
2. The brief facts of the case giving rise to this grievance are that complainant Mr. Guru Charan Singh applied for change of category from non-domestic to domestic.

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Secretary
CGRF (BYPL)

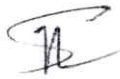

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He applied for category change against CA no. 101437101 vide application no. 8006218762 at premises no. H-30, New Seelampur, Near Gurudwara, Delhi-110053, but respondent rejected the application of the complainant for category change due to "applied CA no has no floor and same is considered on ground floor and GF has commercial activity category change from commercial to domestic is not feasible."

3. OP in its reply briefly stated that the present complaint is filed by Mr. Wasim in respect of electricity connection bearing CA No. 101437101 which is registered in the name of Gurucharan Singh. Along with the complaint Mr. Wasim has placed on record part of documents including will dated 27.08.2022 of Mr. Asad Chaudhary in favor of Mr. Wasim in respect of flat on fifth floor. From other documents though placed in part it appears that Mr. Wasim is claiming ownership in respect of flat on fifth floor.

OP further added that the complainant is seeking change of category from non-domestic to domestic in respect of electricity connection bearing CA No. 101437101, thus the complainant has no locus standi to file the present complaint.

On site visit it was found that building structure is ground floor plus five floors over it. Ground floor is used for commercial activity and other floors are used for domestic purposes. Following are the details of existing connections:

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S.No.	C.A.. No	Registered Consumer	Floor	Category	Date of energization
1.	101437101	Gurucharan Singh	No floor mentioned	NX	29.07.2009
2.	153711771	Asad Chaudhary	First floor	DX	12.03.2022
3.	153639307	Asad Chaudhary	Second floor	DX	31.01.2022
4.	153639312	Asad Chaudhary	Third floor	DX	31.01.2022
5.	153692685	Asad Chaudhary	Foruth floor	DX	18.02.2022
6.	154145338	Ankit Chaudhary	Ground floor	NX	30.04.2022

The fifth floor of the building is not having any connection. In respect of fifth floor which is effective sixth floor no connection can be granted without Building Completion Certificate (BCC) from MCD or NOC from fire department.

From the chain of documents it seems that Mr. Gurucharan Singh was the original owner along with Smt. Satwant Kaur.

4. Representative of the complainant stated that already a commercial connection is installed at ground floor. Since no floor is mentioned against connection no. 101437101 and OP is considering same connection is also installed at ground floor, this action of OP is not justified. How two connections can cater electricity to one premise? Already, one commercial connection is installed at ground floor therefore; the complainant's connection cannot be considered catering electricity at ground floor.

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5. LR of the OP submitted that category change is not feasible as CA no has no floor mentioned therefore, it is considered as installed on ground floor. Also, commercial activity is on ground floor.
6. As far as legal position is confirmed according to DERC Regulations 2017 Sub-Regulation 17(5) Change of category on the request of consumer:-
 - (i) The applicant shall apply for change of category in the format prescribed in the Commission"s Orders.
 - (ii) The Licensee shall conduct site inspection to verify within 7 (seven) days from the receipt of application and shall record the meter reading at the time of inspection.
 - (iii) If on inspection, the request of the consumer for change of category is found genuine, change of category shall be made effective from the date of inspection and the same shall be reflected in next billing cycle.
 - (iv) Arrear or excess charges shall be determined based on the actual period of earlier classification based on documentary evidence provided by the Licensee or the consumer as the case may be, limited to a period of 12 (twelve) months and the account of the consumer shall be suitably adjusted.
 - (v) In case change to such category is not permitted under any law in force, the Licensee shall inform the consumer within 7(seven) days from the date of application.
 - (vi) If the category is not changed within the said period, the consumer shall be entitled to seek and the Licensee shall be liable to pay the compensation as specified in Schedule-I of the Regulations.

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7. In view of the above, we are of considered opinion that OP has not placed on record site inspection report and also has not submitted that how many commercial activities are there on ground floor. Already one commercial connection is installed at ground floor. Since the connection of the complainant is also commercial but has no floor mentioned on it, it does not prove that same is also installed at ground floor. OP should have confirmed the same through site visit. It is considered as sheer negligence on the part of OP. Therefore, the onus to prove whether the connection is being used at ground floor or not totally depends upon OP. Here the benefit of doubt is given to the complainant and OP is directed to change the category of the connection of the complainant from commercial to domestic.

ORDER

Complaint is allowed. OP is directed to change category of complainant within stipulated time period 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.


(H.S. SOHAL)
MEMBER


(NISHAT A ALVI)
MEMBER (CRM)


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


(P.K. SINGH)
CHAIRMAN

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Secretary
CGRF (BYPL)