



C A No. Applied For
Complaint No. 36/2023

In the matter of:

Madhu Gupta & Kavita GuptaComplainant

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. Suraj, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. Imran Siddiqi, Ms. Shweta Chaudhary & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 02nd May, 2023
Date of Order: 29th May, 2023

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

1. The brief facts of the case giving rise to this grievance are that complainants Ms. Madhu Gupta & Ms. Kavita Gupta, jointly applied for 14 new electricity connections for a load of 1 KW each at premises no. A-13, GF, FF, SF and Third floor Mansarovar Park, Delhi-32, but respondent rejected their applications for new connection without

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mentioning any reason in the deficiency letters. Later, on enquiry respondent stated that due to total cumulative built up area exceeds 1000 sq meters, therefore as per DERC Guidelines 2017 they need space for installation of Electric Sub-station. Whereas, his area is only 365.93 sq meters.

2. OP in its reply briefly submitted that the complainant is seeking fourteen new electricity connections in respect of eleven shops constructed on Ground floor, and one connection each for first, second and third floor of suit premises i.e. A-13, Mansarovar Park, Shahdara, Delhi-32. On site visit it was found as under:

- a) Building consists of ground plus three floors with 12 shops on ground floor and halls on first, second and third floors.
- b) Disconnected meter was found on site in the name of Sangeeta Rastogi with meter no. 14230207 with move out date 27.05.2012 and outstanding dues of Rs. 11,896/-.
- c) As per site visit total plot area of premises is 386 sq yards and hence total built up area is more than 1000 sq m $(365.93 \times 4) = 1463.72$ sq meters, therefore the applicants are required to provide space for ESS (electricity sub-station).

3. Counsel of the complainant rebutted the contentions of respondent as averred in their reply and submitted that he applied for fourteen new electricity connections in respect of eleven shops constructed on ground floor and one connection each for first, second and third floor of premises no. A-13, Mansarovar Park, Shahdara, Delhi-32. He further submitted that there were two connection in the suit property one in the name of Sangeeta Rastogi and second in the name of Amar Nath, both the connections were disconnected due to property was sealed by EDMC on account of construction work.

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Counsel of the complainant further added that EDMC order dated 27.04.2022, stated that "property bearing no. A-13, Mansarover Park, Shahdara, Delhi32 constructed from ground to third floor is constructed prior to the cut of dated i.e. 07.02.2007 and is protected under the Delhi Law (Special Provision) Act". He further added that suit property was completely built as same as now dated 07.02.2007, that is why Regulation of DERC Supply Code 2007 regarding space for installation of distribution transformer as per the required load does not applied on the property. Regulation of DERC Supply Code 2007 will apply on this property wherein there is no condition for provision of space for a consumer demanding new connection to the appelliant in any case.

It is also his case that total required load is 14 KW under LT service line and it is less than 44 KW accordingly to DERC Supply Code 2007 & 2017 respectively, if required load is under 44KW, same will be consider in LT service line and above 44 KW shall be consider in HT service line.

4. LR of the OP submitted that as per DERC Regulations 2017, the complainant has to provide space for installation of Electric sub-Station for release of new connection since the area of the plot where new connections have been applied for is more than 1000 sq meters.
5. As far as legal position is confirmed, as per DERC notification no. F.17(85)/Engg./DERC/2017-18/5767 dated 31.08.2017, where it is clearly mentioned in point 4 :- The developer/applicant taking supply at Low tension level for any premises or for re-constructed premises, requiring LT service connections whose:
 - (i) Total cumulative demand of all floors in the plot/building for LT service connection exceeds 100 KW/108 KVA, or

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- (ii) Total cumulative built up area of the premises in the plot/building exceeds 1000 sqm; or
- (iii) Plot of size above 300 sqm; or above,
- Shall provide the space for installation of distribution transformers, as per the required load:

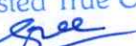
Provided that the minimum space required to be provided by the developer/applicant for installation of distribution transformers/equipment shall be as per circular no. South DMC/0148/SE(B) HQ/Addl.Coml/17 dated 30.03.2017 notified by South Delhi Municipal Corporation or as amended from time to time, annexed at Schedule I.

For providing electricity supply to the premises of the applicant, the respondent has to follow the rules and regulations as prescribed by DERC in Regulation 22 and Clause 6(4) of Schedule of charges and procedures & its amendments under DERC Regulation 2017, which is reproduced as under:-

"22. Space for installation of grid substation, transformers, service line, meter and other equipment:-

- (1) The developer or the applicant applying for supply of electricity from the Licensee shall provide free of charge, the applicable space of requisite dimensions as notified in the Commission's Orders, at a convenient location, as may be mutually agreed between the consumer and the Licensee, for erection and installation of grid substations, transformers, switch gear, meter, equipment, etc.

6.(4) The developer/applicant taking supply at Low tension level for any premises or for re-constructed premises, requiring LT service connections whose:

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- (i) total cumulative demand of all floors in the plot/building for LT service connection exceeds 100 KW/108 KVA; or
- (ii) total cumulative built up area of the premises in the plot/building exceeds 1000 sqm; or
- (iii) plot of size above 300 sqm or above as per amendment dated 04/07/18, shall be substituted as plot of size 500 sqm or above.

Shall provide the space for installation of distribution transformers, as per the required load:

Provided that the minimum space required to be provided by the developer/applicant for installation of distribution transformers/equipments shall be as per circular No. SDMC/0148/SE(B)HQ/Addl.Coml/17 dated 30.03.17 notified by South Delhi Municipal Corporation or as amended from time to time.

6. Now the question arises is can the new connections be granted in the building where the plot area as per DERC Regulations is more than 1000 sq meters.
7. We have also gone through the documents placed on record viz. the sale deed and the undertakings given by the complainant. The signature of both Madhu Gupta and Kavita Gupta varies on all the documents submitted before the Forum. Also, the complainant submitted two undertakings in the Forum and there is contradictory statement in both the undertakings. The first undertaking submitted by the complainant submits that complainant require 7 new electric connections of total required load 14 KW only. That I undertake that I require load of 14 KW, 1 KW in each connection only. The second under taking submitted by the complainant states that he require 7 new electric connections of total required load of 7 KW i.e. 1 KW for each connection. Also, the signatures on both the undertaking are different and which nowhere matches with the signature on the registered sale deed.

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The complainant also alleged that his building is constructed before the year 2007 which is also evident from MCD order dated 27.04.2022, that "property bearing no. A-13, Mansarover Park, Shahdara, Delhi32 constructed from ground to third floor is constructed prior to the cut off dated i.e. 07.02.2007 and is protected under the Delhi Law (Special Provision) Act" thus, DERC Supply Code 2017 is not applicable upon him only DERC Supply Code 2007 is applicable, according to which the complainant is not require to provide space for installation of Electric Sub-Station.

8. Therefore, we are of the opinion, that the Regulations in force will be applicable in the current scenario. No matter when the construction was done, the complainant has applied for new connection in the year 2022 and as per above stated DERC Regulations 2017, the complainant has to provide space for installation of Electric Sub-station.

ORDER


Complaint is rejected. Respondent has rightly rejected the application of new connection of the complainant. The respondent is further directed that if the complainant provide space for installation of ESS and completes other commercial formalities as per DERC Guidelines, OP should release the new connections to the complainant provided actual owners be present and signatures of both the owners should be verified.


Case is disposed off as above.


No order as to the cost. Both the parties should be informed accordingly. File be consigned to Record Room.

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(NISHAT A. ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN