



C A No. Applied For
Complaint No. 139/2023

In the matter of:

PinkiComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. S.R. Khan, Member (Technical)
4. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta & Mr. R.S. Bisht, On behalf of BYPL

ORDER

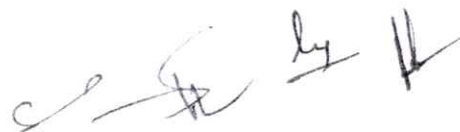
Date of Hearing: 20th July, 2023
Date of Order: 25th July, 2023

Order Pronounced By:- Mr. P.K. Singh, Chairman

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Secretary
CGRF (BYPL)

1. This complaint has been filed by Ms. Pinki against BYPL-PHG.
2. The brief facts of the case giving rise to this grievance are that complainant Ms. Pinki applied for new electric connection vide request no. 8006159839 at premises no T-103, FF, Factory Road, Nabi Karim, Paharganj, delhi-110055.



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It is also her submission that respondent rejected her application for new connection on the pretext of meter already exists at site and no separate dwelling unit found at site. Whereas, she contested that her premises are separate from the other portion of the property. Therefore, she requested for release of new connection.

3. OP in its reply briefly stated that the complainant is seeking new electricity connection for ground floor at property bearing no. T-103, FF, Factory Road, Nabi Karim, Paharganj, delhi-110055 vide application no. 8006159839. OP further added that site was visited on 13.02.2023 which consists of ground plus three floors over it. On first floor already one electricity connection exists. The complainant wants second connection in respect of first floor which is already electrified. The complainant alleges that her premises are on back side of first floor whereas existing connection is on the front side. Total area of the building is 40 sq yards and even the applied premises are of 40 sq yards, thus there is no separate dwelling unit.
4. Arguments of both the parties are heard.
5. Counsel of the complainant rebutted the contentions of respondent as averred in their reply and submitted that complainant applied for new electricity connection on the back side of the property bearing no. T-130, FF, Factory Road, Nabi Karim, Paharganj, Delhi vide application no. 8006159839. He further submitted that the building is constructed from ground floor to third floor and on the first floor two separate dwelling units at the front side and back side are there. Total area is 50 sq. yards.



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6. LR of the OP submitted that there are already one electricity connection on the first floor and as per DERC Regulations 2017, sub-regulation 10 (1)(vi), the new connection can be provided when there is separate kitchen as well as separate entry.
7. Sub-Regulation 10(1)(iv) of DERC Supply Code 2017, 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.
8. As far as legal position is concerned in the present case, as per DERC Regulations 2017, Sub- Regulation 10. New and Existing Connections:
(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.
(ii) The Licensee shall provide the connection, to the applicant of respective portion of the legitimately sub-divided property, on payment of outstanding dues on pro-rata basis for that portion, based on the area of such sub-division or as mentioned in sub-division agreement, and the Licensee shall not deny connection to such applicant on the ground that dues on the other portion(s) of such premises have not been paid, nor shall the Licensee demand record of last paid bills of other portion(s) from such applicant(s).

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9. Both the parties were directed to conduct a site visit to ascertain the factual position on site. The site visited dated 14.07.2023 stated that building is mix having ground + 3 floors. Ist floor already have meter no. 35525552. So TF rejected.
10. Since, there is no separate entry for the premises where the new connection has been required and no sub-division agreement has been filed by the complainant. Therefore, we are of considered opinion that the complainant has not fulfilled the above stated DERC Regulations.


ORDER


Complaint is rejected. Respondent has rightly rejected the application of the complainant for new connection.


The OP is also directed to file compliance report to this office within 21 days from the issue 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


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN

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Secretary
CGRF (BYPL)