



C A No. 152641707
Complaint No. 01/2023

In the matter of:

Sharad KhuranaComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. Imran Siddiqi, Ms. Shweta Chaudhary & Mr. Shubham Singh, On behalf of BYPL

ORDER

Date of Hearing: 28th February, 2023
Date of Order: 06th March, 2023

Attested True Copy
[Signature]
Secretary
CGRF (BYPL)

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

1. This complaint has been filed by Mr. Sharad Khurana against BYPL-GTR.
2. The brief facts of the case giving rise to this grievance are that complainant Mr. Sharad Khurana is using electricity through CA No. 152641707 installed at property no. B-46/3, Basement, Old no. 46, Jhilmil

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Industrial Area, Delhi- 95 and he applied for load enhancement vide request no. 8005975912 from 2 KW to 11 KW. Respondent rejected his application for load enhancement vide letter dated 20.10.2022 without mentioning any specific reason for rejection of load enhancement. He also wrote mail to respondent in this regard but received no reply thereto.

3. OP in its reply briefly stated that the complainant applied for load enhancement from 2 KW to 11 KW in respect of CA No. 152641707 on suit premises no. B-46/3, Basement Jhilmil Industrial Area, Delhi-110095. The complainant applied for load enhancement vide request no. 8005975912 which was rejected as applied address was found in MCD objection list at serial no. 52 as per the objection list circulated by MCD unauthorized construction is at whole property i.e. GF, FF, SF and TF are already booked.

OP further added that load enhancement can take place as per Electricity Act and Regulations framed in respect thereto i.e. Delhi Electricity Regulatory Commission (Supply Code and Performance Standards) Regulations 2017. Load enhancement request can be done as per Regulation 17 (2) regarding load enhancement in existing connections.

4. Arguments of both the parties are heard.
5. Representative of the complainant submitted that the premises no. B-46 is having multiple building and complainant is having only B-46/3. Complainant further submitted that whose property is booked it's not known to them.

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6. LR of the OP submitted since the building is booked by MCD therefore, load enhancement is not feasible and as per DERC Regulations complainant has to fulfill all the commercial formalities as required for new connection.
7. As far as legal position is confirmed according to DERC (Supply Code and Performance Standards) Regulations 2017, Rule 17 (2) for the load enhancement on the request of the consumer.

(2) Load Enhancement on the request of consumer:-

- (i) The applicant shall apply for load enhancement in the format notified in the Commission's Orders.
- (ii) The procedure as laid down in Regulation 11 for release of electricity connection shall be followed.
- (iii) If the effective date of load enhancement falls between the billing cycles, the Licensee shall raise the bill on pro-rata basis during that billing cycle.

8. Heard both the parties and perused the record. From the perusal of evidence placed on record pleadings and after hearing both the parties it is transpired that complainant asked for load enhancement at House no. B-46/3, Basement, Jhilmil Industrial Area, Delhi-110095 vide application no. 8005975912, but respondent raised objection that premise is booked by MCD vide order no. as per letter no. EE (B)-I/Sh-s/2019/1727 dated 30.09.2019 at address B-46, (part), Jhilmil Industrial Area, under construction in the shape of GF, FF, /SF & TF (basement already booked). The MCD letter does not prove which part is booked by them only B-46 (part) is mentioned in the booked address and complainant applied for load enhancement at B-46/3.

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9. Water and electricity are integral part of right to life. Hon'ble Supreme Court in the matter of Dilip (Dead) LR vs Satish, in case no. SCC online SC810 dated 13.05.2022 has held that electricity is basic amenity which a person cannot be deprived off. Even on the principle of law there should be equity before law and equal protection of law in the spirit of constitution. In the present circumstances, since the complainant is already using electricity through CA No. 152641707 and has applied for load enhancement only from 2 KW to 11 KW, therefore, OP can enhance the load of the connection of the complainant as applied for.
10. We are of the view that the respondent may be directed to enhance the load of the connection of the complainant with the condition that at the time of load enhancement the complainant should file an affidavit that if MCD takes any action against the encroached property then OP should be at liberty to disconnect the supply of the complainant.


ORDER

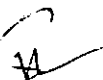
Complaint is allowed. Respondent is directed to enhance the load as applied by complainant after completion of all the commercial formalities and after giving the undertaking regarding the fact that whenever MCD in future will take action against the illegal construction, OP is free to disconnect the new electricity connection.

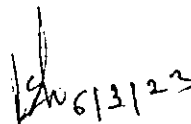
The OP is also directed to file compliance report to this office within 21 days from the issue of this order

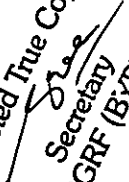
The case is disposed off as above.

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


(NISHAT A ALVI)
MEMBER (CRM)


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


(P.K. SINGH)
CHAIRMAN

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Secretary
CGRF (BYPL)