



C A No. Applied For  
Complaint No. 195/2023

**In the matter of:**

Shivani .....Complainant

**VERSUS**

BSES Yamuna Power Limited .....Respondent

**Quorum:**

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

**Appearance:**

1. Ms. Shivani, Complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Mr. Sachin Dubey, Ms. Shweta Chaudhary & Ms. Divya Sharma, On behalf of BYPL

**ORDER**

Date of Hearing: 01<sup>st</sup> June, 2023

Date of Order: 06<sup>th</sup> June, 2023

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

1. This complaint has been filed by Ms. Shivani against BYPL-YVR.
2. The brief facts of the case giving rise to this grievance are that complainant Ms. Shivani applied for new electric connection vide request no. 8006121060 at premises no. A-27/11,GF, Kh. No. 367, Chet Ram Gali no. 2, Maujpur, Delhi-110053.

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CGRF (BYPL)

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It is also his 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 withdrawal of dues of other's property and 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. A-27/11, GF, Kh No. 367, Chet Ram Gali No. 2, Maujpur, Delhi-53 vide application no. 8006121060. OP visited site and it was found that building consists of ground floor plus one floor over it with one common entry. Premises have two dwelling units and two meters bearing no. 11428630 and 12864834 already exists at site. As such no new connection can be granted.

OP further added that complainant is in possession of two rooms set at ground floor. However, premises are L shaped as such on ground floor separate entry has been created but no physical separation of property exists at ground floor which is of 50 sq yards area.

4. Arguments of both the parties are heard.
5. During the hearing, complainant submitted that the property belongs to her father-in-law and she is a widow, she has been allotted two rooms on ground floor of the applied building which are separated from the other portion by a wooden wall and door and the door always remains locked. Her two brother-in-laws resides at the half portion of ground floor and first floor of the building in question.

*Handwritten signatures and initials*

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6. LR of the OP submitted that there is temporary partition on the ground floor and as per DERC Regulations 2017, sub-regulation 10 (1), the new connection can be provided when there is separate kitchen as well as separate entry.
7. 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).
8. During the hearing the complainant was asked to file an affidavit mentioning that on ground floor two separate dwelling units are constructed on total plotted area of 100 sq yards, in which 50 sq yards from total 100 sq yards area is occupied by her and having two rooms along with separate kitchen and separate bathroom. She also submitted photographs in this regard and manual map of the site.

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9. In view of the above and considering the poor condition of the complainant, we are of considered opinion that since the complainant has completed required commercial formalities as per DERC Guidelines and also submitted affidavit that her premises are separate from the other portion on the ground floor; the new connection can be released to the complainant.


ORDER


Complaint is allowed. Respondent is directed to release the new connection to the complainant.


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

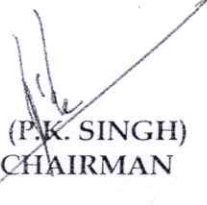
The case is disposed off as above.

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

  
NISHAT A. ALVI)  
MEMBER (CRM)

  
(P.K. AGRAWAL)  
MEMBER (LEGAL)

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

  
(P.K. SINGH)  
CHAIRMAN

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