



C A No. 153365489
Complaint No. 92/2021

In the matter of:

Shyam Lal GargComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. Arun P Singh (Chairman)
2. Mrs. Vinay Singh, Member (Legal)
3. Dr. Harshali Kaur, Member (CRM)

Appearance:

1. Mr. Suraj Aggarwal, A.R. of the Complainant
2. Mr. Imran Siddiqi & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

Date of Hearing: 22nd September, 2021

Date of Order: 23rd September, 2021

Order Pronounced by:- Mrs. Vinay Singh, Member (Legal)

Briefly stated facts of the case are that the complainant applied for change of single phase meter to three phase meter as per DERC Guidelines.

It is also his submission that he applied for change of single phase meter having CA No. 153365479 to three phase meter which the respondent has not approved yet. Therefore, he requested the Forum to direct the respondent for immediately changing single phase meter to three phase meter.

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Imran
Shweta

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Notices were issued to both the parties to appear before Forum on 10.09.2021.

The respondent company submitted their reply stating therein that complainant requested for replacement of single phase meter with a three phase meter against CA No. 153365479 at premises A-8, GF, Near Jama Masjid, New Seelampur, Delhi-110053. Respondent also submitted that complainant is registered non-domestic consumer vide CA no. 153365479 and the said connection was installed on 23.07.2021 and within 15 (fifteen) days complainant requested on mail dated 05.08.2021 for conversion from single phase to three phase.

It is also their submission that the site inspection was done accordingly and it was found that premises is used for scrape Godown and there no such load or any equipment was found which require non-domestic three phase meter.

The matter was listed for hearing on 10.09.2021, when respondent submitted their reply complainant sought time for filing rejoinder.

The complainant submitted his rejoinder refuting therein the contentions of the respondent as averred in their reply and reiterated his original complaint. He also submitted that there is three phase load in the godown which the respondent has not mentioned in their reply.

The respondent also submitted their additional submissions through mail dated 21.09.2021 stating that complainant got installed a single phase NX connection on 23.07.2021 and within 15 days he requested for conversion of his meter to three phase, as per the procedure the site inspection was done accordingly and found that premises is used for scrape Godown there is no such load or any equipment found at site which required non-domestic three phase meter

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because as per DERC notification the complainant has to demonstrate the requirement of load and activity for which he required three phase meter.

The complainant in his rejoinder has submitted that he required three phase connection for his lift and he has attached photographs also in this regard.

The complainant through his mail dated 21.09.2021 replied to the submissions of the respondent that in the premises of the complainant lift is installed for lifting the goods and it does not require any kind of certificate, recently the concession has been approved by BYPL even after having similar lift on the application no. 8005057573.

The matter was finally heard on 22.09.2021, when respondent filed submission before the Forum that they are ready to convert into three phase, but lift safety certificate is required, which is issued by the Electrical Inspector of Delhi Government for converting into three phase. Arguments of both the parties were heard and matter was reserved for orders.

The respondent submitted their additional reply on 24.09.2021 stating therein as under:-

It is submitted that Sh. Shyam Lal Garg obtained electricity connection against CA No 153365479 on Non domestic activity for godown purpose at the time of new connection application (23.06.2021). At the time of new connection application the complainant has not disclose that he intend to use the said connection for lift purpose or in the complaint filed in the CGRF he disclosed the said fact, and at the time of visit no three phase load or lift load were existed. Within short period of fifteen days after energization, the consumer has approached the respondent for conversion of his single phase meter to three

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phase meter and as per DERC same was rejected as per procedure and when the complainant approached the CGRF, BYPL, respondent conducted site inspection and found no three phase load or lift load at site.

During the hearing in CGRF the complainant has submitted photographs of lift load before forum to support his case. And as per Delhi lift rules 1942 and the Department of labour order dated 07/12/2016, a safety certificate is required for operation of any kind of lift irrespective of its usage. Further DERC has specified the requirement of lift certificate in new connection format specified in Format.

It is clear from above facts that the complainant installed goods lift in his premise without any proper lift certificate or any requirements as per norms. Further to conceal this act and to energize the illegally installed lift, he is trying to convert the single phase electricity connection sanctioned for Non domestic purpose (Godown) to three phase for dedicated lift usage without fulfilling the requirement of lift connection. Further at present there is no commercial activity (Storage godown) in the subject premises and the single phase meter of commercial connection cannot be converted solely for the purpose of lift load as there is no collective three phase load on sanctioned category (NX-Godown) and also no commercial activity is going on now.

Respondent also submitted that the electricity supply of CA No 153443064 cited by the complainant to support his case is of industrial category where BYPL have released electricity connection after submission of Factory license (an comprehensive certificate) which is being issued after submission of detailed building plan, power load , MCD license and other clearances for running an industrial unit. Hence the case of industrial category cannot be cited as an example for commercial connection of Sh. Shyam Lal Garg

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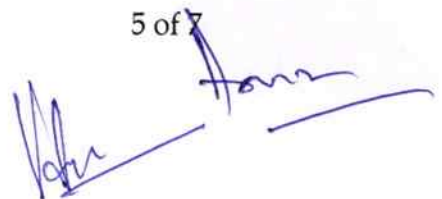
With above facts, the complainant is required to provide necessary lift safety certificate and to apply for three phase conversion with demonstration of three phase load requirement with complete load and commercial activity as per clause 2(1) of DERC schedule of Charges.

The main issue in the present case is that whether the load can be enhanced or not.

We have gone through the submissions made by both the parties. From the narration of facts and material placed before us we find that

- The complainant got new electricity connection installed on 23.07.2021 and on 05.08.2021 he applied for conversion from single phase to three phase.
- Respondent submitted that complainant is using connection against CA No. 153365479 for godown only and during site verification it was found that there was no such load or equipment found at site which is required for non-domestic three phase meter.
- The complainant as he submitted before the Forum that he require to use the lift in godown for loading purposes and for that he require three phase connection.
- Respondent also submitted that they need lift safety certificate issued by Electrical Inspector of Delhi Government for converting into three phase.
- The respondent filed additional reply in the present matter and demanded lift using certificate as per DERC Third Amendment 2018, Schedule of Charges and the Procedure (Third Amendment) Order, 2018 order dated 04.07.2018. And the format issued by the DERC as per the amendment in which if the complainant wants to install a lift in the



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premises as per the Declaration Form That there is a provision of lift in the premises and the applicant has obtained the lift fitness certificate from the Electrical Inspector for the lift in the same premises and the same is available with the applicant.

- The complainant has to fulfill all the formalities as per Govt. of NCT of Delhi, Labour Department dated 07.12.2016, procedure for license for working a lift. As per Delhi Lift Rules 1942, Office of the Chief Commissioner of Delhi

17. Existing connections:-

(7) Conversion from single phase to three phase LT and from LT to HT; and vice-versa: (i) All applications for change from single phase to three phase Low Tension and from Low Tension to High Tension; and vice-versa, as the case may be, shall be dealt as per the procedure laid down at Regulation 11. (ii) The consumer shall, in case of increase in load, pay the differential security deposit and Service Line cum Development charges at the prevailing rates, and the Licensee shall, in case of decrease in load, refund the excess security deposit.

In view of the above facts we are of considered opinion that the complainant has to submit lift working certificate issued by Electrical Inspector of Delhi Government, License from Govt. of NCT of Delhi or as per the third amendment of DERC dated 04.07.2018, Clause 3 (2) of the Format (6) for converting the connection into three phase and fulfill all the conditions for installing a lift and converted single phase connection to three phase connection.




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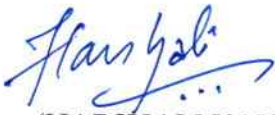
Therefore, we direct as under:-

The respondent is directed to convert the single phase connection of complainant to three phase once the complainant produces the lift safety certificate issued by Electrical Inspector of Delhi Government and also fulfills all the commercial formalities as per DERC Regulations 2017 Section 11 and Section 17(7).

The case is disposed off as above.

No order as to the cost. A copy of this order be sent to both the parties and file be consigned to record room thereafter.

The order is issued under the seal of CGRF.



(HARSHALI KAUR)
MEMBER (CRM)



(VINAY SINGH)
MEMBER (LAW)



(ARUN P SINGH)
CHAIRMAN