



CA No. 101174107
Complaint No. 146/2022

In the matter of:

Sushil JainComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mrs. Vinay Singh Member(Law)
2. Mr. Nishat Ahmed Alvi, Member (CRM)

Appearance:

1. Mr. Suraj Aggarwal, A.R. of the complainant
2. Mr. Imran Siddiqi, Ms. Shweta Chaudhary, Ms. Amita Sharma & Ms. Katha Mathur, On behalf of BYPL

ORDER

Date of Hearing: 01st September, 2022
Date of Order: 05th September, 2022

Order Pronounced By:- Mrs. Vinay Singh, Member (Law)

Briefly stated facts of the case are that the complainant applied for load enhancement but respondent has not enhanced the same till date.

The complainant's grievance is that he applied for change of load vide request no. 8005669690 of CA No. 101174107, but respondent rejected his application for load change on pretext of premises under MCD objection list which is false and baseless. Therefore, he requested the forum to direct the respondent for immediate change the load of his connection.

Sushil

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Notices were issued to both the parties to appear before the Forum on 23.08.2022.

Respondent submitted their reply stating therein that Ca No. 101174107 is sanctioned for non-domestic purpose in the year 2010 and having load of 5 KVA. The said connection is installed at premises no. 520 A, Plot No. 2-3, GT Road, Kh. No. 379/299/303, Dilshad Garden, Near Railway Crossing, Delhi-110032. The complainant applied for load enhancement from 5 KVA to 44 KVA vide application no. 8005669690. It is also their submission that load enhancement request will change the existing single phase supply to three phase supply which requires change of meter and service line. As per DERC Regulation 17 (2), load enhancement will be akin to new connection and as such MCD objection will be taken into consideration. As load enhancement is sought for by consumer voluntarily as such all the requirements of new connection are required to be fulfilled in terms of Regulation 17 (2) of Supply Code 2017.

Respondent further added that during site verification it was found that the subject premise is in the MCD objection list as such deficiency letter was issued.

The matter was listed for hearing on 23.08.2022, when A.R. of the complainant was directed to file all the documents pertaining to property documents and factory running license which are required for load enhancement. A.R. of the complainant was also directed to file RTI to MCD for obtaining NOC.

The mater was finally heard on 01.09.2022, when A.R. of the complainant submitted the documents as asked by the Forum on previous hearing. Arguments of both the parties were heard and matter was reserved for orders.

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The complainant is in possession of the subjected property since 2002 which is evident from the GPA dated 07.05.2002 in his favor. Also, the already installed energy connection is energized since 2010. Complainant also submitted Micro, Small and Medium Enterprises Registration Certificate which is issued to him on 02.10.2021. Along with this certificate complainant also submitted Delhi Pollution Control Committee Certificate for white category industry dated 30.01.2022.

As alleged by the respondent, the premises of the complainant was booked by MCD in the year 2019 and the above stated documents submitted by the complainant are of the year 2021 and 2022 after MCD booking. It seems that other departments have also given clearance to the complainant for conducting his business.

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 applied for load enhancement of CA No. 101174107 from 5 KVA to 44 KVA. Respondent in their reply submitted that this is voluntary load enhancement therefore, as per Regulation 17 (2) of DERC Supply Code 2017; the complainant is required to complete all the commercial formalities which are required for new connection.

Respondent rejected the application of load enhancement of the complainant on the pretext of premises where load enhancement is applied is booked by MCD, therefore, the complainant is required to get clearance from MCD for load enhancement.

Devi

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As per DERC Guidelines 2017, the formalities of load enhancement should be same as in the case of new connection as per Regulation 17 which is narrated below:

17. Existing connections:-

(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.

In view of above, we are of considered opinion that the connection is already energized at the premise of the complainant and the only grievance is enhancement of load from 5 KVA to 44 KVA. The respondent should not have any objection in enhancing the load of the complainant.

- Therefore, we direct the respondent to enhance the load of the complainant after fulfilling all the commercial formalities as per DERC Guidelines 2017.
- The complainant is also directed to file an affidavit before the release of the connection undertaking that if in near future MCD concludes and proves beyond any reasonable doubt that the completion-cum-

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occupancy certificate is not legally valid document and wrongly issued by them, then respondent can ask complainant to file legally valid completion-cum-occupancy certificate, failing which it can disconnect the supply.

- Respondent is further directed to file the compliance report within 21 days from the date 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 AHMED ALVI)
MEMBER (CRM)



(VINAY SINGH)
MEMBER (LAW)
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