

Consumer Grievance Redressal Forum  
FOR BSES YAMUNA POWER LIMITED  
(Constituted under section 42 (5) of Indian Electricity Act. 2003)  
Sub-Station Building BSES (YPL) Regd. Office Karkardooma,  
Shahdara, Delhi-110032  
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SECY/CHN 015/08NKS

C A No. 150749886  
Complaint No. 23/2020

In the matter of:

Mala Devi .....Complainant

VERSUS

BSES Yamuna Power Limited .....Respondent

Quorum:

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

Appearance:

1. Mr. Saran Pal, On behalf of the complainant
2. Mr. B.B. Sharma, Mr. Mahendra Reddy & Mr. Jagatheesh Kannan  
On behalf of BYPL

ORDER

Date of Hearing: 04<sup>th</sup> August, 2020

Date of Order: 11<sup>th</sup> August, 2020

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

Briefly stated facts of the case are that the complainant wants change of supply cable and meter from single phase to three phase.

The complainant submitted that on 28.03.2013, after completion of all the commercial formalities the respondent company installed a non-domestic electricity connection having CA No. 150749886 at her premises no. A-288-A/1, GF, Kh. No. 299, 310 & 492, Gali No. 7, Harijan Basti, Mandoli Extn, Near Samsan Ghat, Delhi-110093.

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It was also her submission that the respondent company installed single phase meter having meter no. 11401701 (10-60A0 with a 2 core cable (2\*10mm). Respondent in the month of November 2019, enhanced her sanctioned load to 12 KVA and also charged security deposit of Rs. 19409.26/-, but they did not change the meter and service cable as per DERC order dated 01.09.2017, where it is clearly stated as under:-

*"provided also that the existing consumer having a load demand between 5 KW and 10 KW demonstrates the requirement of supply at 3 phase 4 wire at 400/415 V and agrees to pay service line cum development charges again, the Licensee may change the existing system of supply to 3 phase 4 wire at 400/415v."*

She also submitted that she approached DERC also for same grievance, but DERC vide their letter dated 27.12.2019 directed her to approach DISCOM/CGRF/Ombudsman for Redressal of grievances. Therefore, she requested the Forum to direct the respondent for change of single phase meter to three phase meter and service cable.

Notices were issued to both the parties to appear before the Forum on 09.04.2020. Due to Covid 19, Forum was closed and hearing is now conducted on 21.07.2020 through video-conferencing.

The respondent company submitted their reply stating therein that the complainant is registered non-domestic consumer vide CA No. 150749886 at A-288-A/1, GF, Kh. No. 299, 310 & 492, Gali No. 7, Harijan Basti, Mandoli Extn, Near Samsan Ghat, Delhi-110093, applied vide request no. 8004217542 to change single phase meter to three phase meter. It was also their submission that the area (where complainant's premises are), is energized through HVDS (High Voltage Distribution System) transformers having single phase HVDS network. HVDS transformers are in existence today at the relevant premises, a three phase connection cannot be granted since it would not be technical feasible.

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It was also their submission that site inspection was done and found that the applicant's premises have three single phase connections with meter no70226849, 14089767 and 35461670. The complainant was duly informed that due to issue of technical feasibility, her request for enhancement of load could not be completed.

The complainant submitted his rebuttal, reiterating therein her original complaint. She also agreed upon contentions of the respondent that there are three single phase connections at her premises. She also submitted that she is ready to pay service line cum development charges again. She further added that respondent's contention that her premises are more than 300 metres from the transformer is wrong as her premises are around 110-120 metres far from the transformer.

Matter was heard on 04.08.2020, the respondent was asked to file more submissions in addition to their reply. Arguments of both the parties were heard and matter was reserved for orders.

The complainant submitted his additional submissions in which he stated that transformer no. DL-1LDTRS10000001 is installed upon two poles having no BSES NNG B-200 and BSES NNG442. This transformer is empty of load, so there is feasibility. To this the respondent submitted that the transformer DTR .DL-1LDTRS10000001 which the complainant has mentioned in the trailing mail is dead since long and no power is going to this transformer, and the Pole no B200 is not in network which is on dead circuit and is in the park premises.

The respondent submitted their additional reply stating therein that the complainant's premises is at Harijan Basti, Mandoli Extn., Delhi which is an unauthorized colony which is electrified on single phase HVDS (11 KV) network where small capacity (single phase 25 KVA) transformers are installed on pole

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as there is no space for installation of substations or big transformers. Three phase connection requires three phase LT (440V) network and installation of electrical sub-station. Respondent also quoted **Regulation 22 of the DERC Supply Code 2017, which is narrated as under:**

22. Space for installation of grid substation, transformers, service line, meter and other equipment:-

(1) The developer or the applicant applying for supply of electricity from the Licensee shall provide free of charge, the applicable space of requisite dimensions as notified in the Commission's Orders, at a convenient location, as may be mutually agreed between the consumer and the Licensee, for erection and installation of grid substations, transformers, switch gear, meter, equipment, etc.:

Provided that if there is no specific developer in an area and the augmentation of the existing distribution system requires the space for installation of grid substations, transformers, switch gears, etc. to meet out the load demand, the distribution licensee shall approach the Government of National Capital Territory of Delhi, within fifteen days of such requirement, for allotment of space, indicating the probable space available in such areas:

The respondent has inspected the area and is unable to find any place available for installation of LT transformer/substation. The nearest three phase pole i.e. pole no. NNGV532 requires service line/cable of approx. 550 metres, which can be carried/supported only on existing single phase HVDS network, which is not technically feasible. Respondent also submitted citations of Court orders namely:-

Hon'ble High Court of Delhi in WP(C) No. 11236 of 2017 titled as "Parivartan Foundation Vs. SDMC & Ors.

Courts of its own motion Vs. GoNCTD&ors.' bearing WP (C) no. 4349/2017 listed in the DB of Hon'ble Chief Justice of Delhi.

Hon'ble Supreme Court of India in the writ petition(s) (civil) bearing no. 4677/1985 titled as M.C. Mehta Vs. Union of India & Ors.

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Respondent also submitted order dated 15.05.2018, where "Learned Attorney General has placed before us an Action Plan for monitoring of all construction in Delhi and fixing of responsibility. In case of violations of Master Plan, unified building bye-laws and other illegal construction activities.

We have gone through the Action Plan and one of the questions that has arisen and for which learned Attorney General seeks some time to take instructions is: Whether officers who do not perform their duties as postulated by law and the Action Plan will be suspended pending disciplinary enquiry and proceedings under the provisions of the Prevention of Corruption Act, 1988."

The main issue in the present complaint is whether a three phase connection can be given to the complainant or not.

In the present case, this Harijan Basti is in Lal Dora Jameen or illegal construction. All lanes are very narrow as per the inspection report no space is available for installation of three phase network upto complainant's premises, the nearest three phase pole no. NNGV532 require service cable of approximately 550 metre which can be carried/supported only on single phase HVDS network which is not technically feasible.

As per DERC Guidelines 2017, Regulation 22, the complainant/RWA/society should provide space to the licensee free of cost, of requisite dimensions and at a technical feasible location, which in the present case complainant failed to provide the respondent.

The complainant also provide photograph of transformer having no. DL-1LDTRS10000001 where a transformer is hanged on the pole, but the respondent submitted that the said transformer is dead since long and no

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power is going in the transformer. In our opinion there is no space for providing three phase supply on the above connection.

In our considered opinion,


- In the present circumstances due to technical feasibility single phase connection of the complainant cannot be converted into three phase.
- That if complainant provides a space for three phase line and transformer, as per Section 22 of the DERC Guidelines 2017, then the connection may be converted into three phase supply by the respondent.

The order is issued under the seal of CGRF.

The compliance should be reported within 30 days. The order is issued under the seal of Consumer Grievance Redressal Forum (BYPL).

  
(HARSHALI KAUR)  
MEMBER (CRM)

  
(ARUN P SINGH)  
CHAIRMAN

  
(VINAY SINGH)  
MEMBER (LEGAL)