

C A No. Applied For
Complaint No. 52/2020

In the matter of:

Ram KumarComplainant

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. Ram Kumar, Complainant
2. Mr. Imran Siddiqui & Ms. Ritu Gupta, On behalf of BYPL

ORDER

Date of Hearing: 16th October, 2020

Date of Order: 19th October, 2020

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

Briefly stated facts of the case are that the complainant applied for new connection, but the respondent company rejected his application for new connection.

The complainant submitted that he is owner of H.No. 7, Kh.No. 17/6, Gali No.1, RST Enclave, Johripur Extn., Karawal Nagar, Delhi-110094. It is also his submission that he applied for new connection vide request no. 8004376774 dated 21.02.2020, but the respondent company rejected his application for new connection on the pretext of 'domestic connection already exists'.

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He further added that he is applying for new connection since 2015 vide application no. 8001828429 dated 16.04.2015, application no. 8002727099 dated 09.03.2017 and application no. 8003434340 dated 013.07.2018, but respondent is rejecting his application for new connection every time. Earlier they were rejecting his application on the pretext of 'UP Area' & ELCB required and thereafter on the pretext of domestic connection already exist. Therefore, he requested the Forum to direct the respondent for immediate release of the connection.

Notice was issued to both the parties to appear before the Forum on 05.10.2020.

The matter was heard on 05.10.2020, when both the parties were present and complainant was asked to file all the documents confirming that his property is situated in Delhi and also ask for SDM revenue records. Respondent was also directed to ask SDM Revenue and try to resolve the matter.

The respondent company submitted their reply stating therein that the complainant is asking for new electricity connection at his premises which falls in Kardam Farms, Johripur Extension. It was also their submission that the premises in question is a single unit with different floor and is already electrified, as such no new electricity connection can be granted.

Respondent also submitted that there is a dispute as to which portion of Kardam Farms falls in Delhi and which falls in UP as demarcation by the revenue department is still pending.

Matter was finally heard on 16.10.2020, when respondent submitted their reply stating therein that the UP border dispute is pending before Hon'ble High

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Court. Complainant has already one connection in the name of his wife in the same property and asking for a second connection without separate entry. Arguments of both the parties were heard and matter was reserved for orders.

The main issue in the present case is whether the connection can be granted or not as already there one domestic connection exists. Also whether the area of the complainant where the new connection is required falls in UP or Delhi.

The extracts of the Hon'ble High Court's order dated 17.09.2015, by Hon'ble Justice Manmohan in the matter of Human Fundamental Rights Association (Regd.) v. Union of India & Ors, narrated as under:-

"That present petition has been filed challenging the proposed action of the respondents to transfer the land and houses/properties situated in East Gokalpur, Amar Colony, A-Block, to State of Uttar Pradesh as well as to suspend disconnection of electricity of about 350 houses situated in the said area or other parts of UP border. It is petitioners case that East Gokalpur, Amar colony; A-block is a part of Delhi and cannot be transferred to the State of Uttar Pradesh. On 28th September, 2012, this Court had restrained respondent BSES YPL from disconnecting the electricity supply of petitioners, subject to the condition that electricity bills are paid on time and the petitioners do not obstruct any officials of respondent BSES YPL from performing their duties. The rationale behind passing the said order was that petitioners, who primarily belong to weaker section of the society, would be put to irreparable loss and inconvenience in case their electricity supplies are abruptly disconnected specially in the absence of any assurance from the State of Uttar Pradesh that electricity supply would be provided. In the meantime, to avoid any inconvenience to the petitioners, this Court directs that the status quo prevalent as of today shall continue till further orders.

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The order dated 14.01.2019, in the same matter by Hon'ble Justice Suresh Kumar Kait is also submitted below:-

W.P (c) 6211/2012 & CM APPL.16668/2012

"I note Sh. Rakesh Kumar, SDM, Seemapuri or other parts has filed an affidavit on 15.09.2015 whereby stated that out of 590 properties 209 properties /houses were found partly in Delhi and partly in UP. It is pertinent to mention here that vide order dated 23.07.2012, the Hon'ble Lieutenant Governor of Delhi has approved the proposal of the Department to include 209 houses in NCT of Delhi, which falls partly in Delhi and partly in UP. Thus, the property which falls partly in Delhi and partly in UP have been considered part of NCT of Delhi."

In said report, the SDM named above has also stated that annexure E which is at page 968 of the paper book that the total property 167 (total Gali 16, total property 151) are falling in UP. If this is the position then, respondent no.9 is bound to supply electricity to the properties mentioned in Annexure E as notified above.

And the next date of hearing in the said writ petition before the Hon'ble High Court of Delhi is November, 2020, till then status quo is still in continuation.

We have heard the arguments of both the parties. From the narration of facts and material placed before us we are of the opinion

- That the issue of demarcation of the area is pending before the Hon'ble High Court and status quo and next date of hearing Nov., 2020.
- That as per the respondent's reply the premises of the complainant is single dwelling unit with single entry and already have a domestic connection installed there in the name of complainant's wife.
- DERC Supply Code and Performance Standards, Regulations 2017, CHAPTER - III NEW AND EXISTING CONNECTIONS of DERC Regulations, 2017.

10. New and Existing Connections:- (1) (iv)

Wherever, one dwelling unit has been sub-divided and separate kitchen as well as separate entry is available, second electric connection may be given to the lawful occupant.

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As above, the Forum is of the view that

- The complainant is directed to produce the revenue record of the property bearing no. H.No. 7, FF, Kh. No. 17/6, 40 feet road, RST Enclave, Johripur, Near RCS Convent School from the office of SDM Karawal Nagar.
- In the present case the premises of the complainant is not sub-divided, it's a single dwelling unit without separate entry, therefore, as per DERC Regulations, 10(1)(vi) stated above this Forum cannot grant new connection to the complainant in the present scenario.
- If the complainant shows revenue records of Delhi and separate entry to the floors, then connection may be sanctioned.

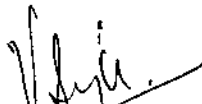
In view of the above, the case is disposed off.

No order as to the cost.

The order is issued under the seal of CGRF.



(HARSHALI KAUR)
MEMBER(CRM)



(VINAY SINGH)
MEMBER(LEGAL)



(ARUN P. SINGH)
CHAIRMAN