

C A No. Applied for  
Complaint No. 37/2020

In the matter of:

Dharmendra Kumar .....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. Shiv Kuamr, Counsel for the complainant
2. Mr. Imran Siddiqi & Mr. B.B. Sharma, on behalf of the respondent

ORDER

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

Date of Order: 07<sup>th</sup> September, 2020

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

Briefly stated facts of the case are the complainant applied for new connection but the respondent company did not release his connection.

He further added that he applied for a new connection at H.No. A-2/189-B, FF, Street No. 2, Amar Colony, East Gokal Pur, Delhi-110094 and deposited all the relevant documents pertaining to the address and already installed a meter in that premises in the name of his father Sh. Tejpal Singh and when the applicant visited respondent to install the electricity meter at the said address, the

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respondent officials refused to install the electricity meter at above said premises, saying that this area falls under Uttar Pradesh area/with the remark of NOC from DC revenue/Advisory Committee.

He also submitted that he submitted all the bills of the previously installed connections, all the relevant documents but the respondent refused to release the connection. Therefore, he requested the Forum to direct the respondent company for immediate release of new connection.

Notices were issued to both the parties to appear before the Forum on 24.08.2020.

The respondent company submitted their reply stating therein that the complainant Dharmendra Kumar applied for new connection vide request no. 8004437752 date 18.06.2020 at 189-B, FF, Kh.No. 1031/5, Gali No. 2, Block A, East Gokal Pur, Amar Colony, Delhi, Near Satya Memorial Public School, Delhi-110094. The site of the complainant was inspected for technical feasibility and found that the addressed property by demarcation line pertains to Uttar Pradesh instead of Delhi and thus found the connection is not technically feasible, accordingly, a letter of deficiency dated 29.06.2020 was issued to the complainant with remarks "NOC from DC Revenue/Advisory Committee."

Respondent also submitted that the issues relating to grant of electricity connections are governed by the provisions of Electricity Act 2003. BYPL is mandated to act in accordance with the provisions of the Electricity Act 2003 and acts strictly in terms of the Distribution and Retail Supply of Electricity License granted to it by the Hon'ble Delhi Electricity Regulatory Commission for a certain area of license of the BYPL and BYPL functions.

It was further added that the complainant is seeking new electricity connection in the area which does not fall within its area of supply. DERC exercising statutory jurisdiction over electricity utilities in the NCT of Delhi cannot grant electricity distribution and retail supply license in respect of areas which fall outside the territory of NCT of Delhi.

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It was also mentioned that BYPL cannot grant any fresh electricity connection to a premises which is falling outside territory of NCT of Delhi i.e. falling within the territory of the State of UP. The existing connections will also be disconnected once the directions are passed by the Hon'ble High Court in W.P. (c) No. 6211 of 2011 titled as "Human Fundamental Rights Association (Regd.) v. Union of India & Ors, the concerned electricity distribution utility of the State of UP is required under Section 42 and 43 of the Electricity Act, 2003 to supply electricity to the complainant.

The matter was heard on 24.08.2020, when the complainant was directed to submit DC revenue record certificate that the property is in Delhi and not in UP. Respondent is asking for Revenue Certificate for granting connection. Connection on the ground floor was granted before demarcation.

Matter was finally heard on 04.09.2020, when complainant again requested for grant of new connection and stated he could not file Revenue Records of the area. Arguments of both the parties' were heard and matter was reserved for orders.

The complainant submitted his written arguments in which he reiterated his original complaint. He also submitted that his property is situated in Delhi and electricity bill of already installed electricity meter in the premises as well as in Gali. There are 400 houses in the area in which BSES has installed electricity meters already for the last 20 years.

He further added that the respondent submitted that in W.P. (c) No. 6211 of 2011 titled as "Human Fundamental Rights Association (Regd.) v. Union of India & Ors", which is listed for hearing in Hon'ble High Court of Delhi was filed in Delhi High Court in the year 2012 then why respondent has given number of electricity connection to the consumer of the above said area.

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Issue in the present case is whether the connection can be granted or not.

We have gone through the submissions made by both the parties. The complainant's father has a connection as mentioned by the complainant in the complaint which was energized by the respondent on 27.06.2002, which is prior to the dispute of the jurisdiction before the Hon'ble High Court. 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. 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 28<sup>th</sup> 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.

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

*Manmohan*

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*Manmohan*

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I note Sh. Rakesh Kumar, S.D.M., Seema Puri, 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 U.P. 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.

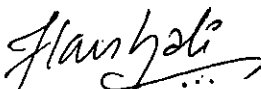
In said report, the SDM named above has also stated that annexure E which is at page 968 of the paper book that, the total property 167 (total Gali 16, total property 151) are falling in UP. If this is the position then, respondent no. 9 is bound to supply electricity to the properties mentioned in Annexure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


And the next date of hearing in the said writ petition before the Hon'ble High Court of Delhi is 08<sup>th</sup> October 2020, till then status quo is still in continuation.

In view of the above, the Forum directs as under:-

- The complainant is directed to produce the revenue record of the property bearing no. A-2/189-B, FF, Street No. 2, Amar Colony, East Gokal Pur, Delhi-110094 from the office of SDM Seema Puri as filed before Hon'ble High Court annexure 'E' for releasing the connection.
- Respondent is directed to release the connection after submission of revenue record by the complainant as per DERC Regulations.

The case is disposed off as above.

  
(HARSHALI KAUR)  
MEMBER (CRM)

  
(VINAY SINGH)  
MEMBER (LAW)

  
(ARUN P SINGH)  
CHAIRMAN