



C A No. 10205755  
Complaint No. 64/2020

In the matter of:

Ishrat .....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. Nishi Kant Ray, Counsel for the complainant
2. Mr. Imran Siddiqi, Mr. Prashant Tikadar & Mr. Jagatheesh Kannan, On behalf of BYPL

ORDER

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

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

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

Briefly stated facts of the case are that the complainant applied for new connection and also deposited demand note, but the respondent company did not install the connection till date.

It is also her submission that she applied for new connection under domestic category at her premises on 14.08.2018, thereafter her demand note was generated and was duly paid by her on 18.08.2018. It is also her submission that the officials of the respondent visited her premises on 25.08.2018 for installation of meter but returned without installing the same.

*Harshali Kaur*  
*Imran Siddiqi*  
*Prashant Tikadar*  
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She further states that she made various visits to the office of the respondent for release of the connection, but all went in vain. Therefore, she requested the forum to direct the respondent for immediate installation of the new connection.

Notice was issued to both the parties to appear before the Forum on 02.11.2020.

The matter was heard on 02.11.2020, when both the parties were present and the respondent submitted that the height of the building is more than 15 meter, therefore the connection cannot be released.

Respondent company submitted their reply stating therein that new connection can be provided as per law duly provided under Delhi Electricity Supply Code and Performance Standard, Regulations 2017. It was further added that the applicant applied for new electricity connection under domestic category vide application number 8003448080 at 648, Kh. No. 22, Gali No. 26, Jafrabad near Kamal Nursing Home, Delhi-53.

Respondent also submitted that site of the complainant, was visited on 20.07.18 and it was informed that ELCB is not installed and as per DERC Guidelines, ELCB is mandatory for installation of meter. However, when the complainant applied for second time, new DERC Guidelines came into force and new connection cannot be granted in the buildings having more than 15 meter height and the height of the complainant's building is 18.03 meters with ground+4 floors and without stilt parking. The benefit of relaxation given by DERC vide notification dated 31.05.19 cannot be given to the complainant. Respondent also submitted a letter without date that I have installed ELCB, please release the connection.

Respondent further submitted that for commercial building having height of 15 meters or more, a fire clearance certificate is required.

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The matter was finally heard on 04.12.2020, when 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 to the complainant 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 respondent failed to install the meter at the premises of the complainant after payment of the demand charges on 18.08.2018. Whereas, the respondent in their submission submitted that they enforced the provision of 15 meter height in September 2018.

Respondent also submitted that ELCB was not installed at the time of their visit to install the meter; therefore, they did not install the meter. Forum finds that there is no documentary proof submitted by the respondent. Non-installation of ELCB is just after thought. This objection should have risen at the time of site inspection, not at the time of installation of meter without date in subject matter.

**As per DERC Supply Code 2017, Regulation 11. New Electricity Connection:-**

The Licensee shall process the application for new connection, within the time frame as specified in these Regulations

(1) Submission of application along with all documents:- (i) The Applicant shall make application for new connection to the Licensee in the form notified in the Commission's order

(iv) The Licensee shall indicate all the deficiencies in the application form to the applicant in one go only and shall not raise any new deficiency subsequently.

(v) In case the Licensee fails to intimate the applicant about any deficiencies in his application on the spot or within the stipulated 2 (two) days in case of online application, as the case may be, the application shall be deemed to have been accepted by the Licensee on the date of receipt of the application.

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**(2) Field Inspection:-** (v) The Licensee shall give intimation to the applicant on the spot in writing about the defects/deficiencies, if any, observed during the field inspection.

The electricity and water is essential requirement for human being to run a normal life as decided by Himachal Pradesh High Court, in Madam Lal Vs. State of Himachal Pradesh 2018 SCC online HP 1495 decided on 22.10.2018. Water and electricity supply a part of right to life under Article 21 of the Constitution of India.

Article 21 says, no person shall be deprived of his life and personal liberty except according to the Procedure established by laws. This article mentions two basic terms life and personal liberty.

This Forum is abide by DERC Regulations 2017 and cannot grant electricity connection to the complainant.

From the above deliberations, we are of the considered opinion Respondent has deficiency in service and the respondent delayed to install the meter at the premises of the complainant, thereafter the new DERC Guidelines came into force and the licensee was barred to release the connection at the premises of the complainant because the height of the building of the complainant is more than 15 meters. Though the demand note was already paid by the complainant on 18.08.2018, therefore, the respondent is liable to pay complainant compensation as per Schedule-I of the **GUARANTEED STANDARDS OF PERFORMANCE AND COMPENSATION TO CONSUMERS IN CASE OF DEFAULT.**

"Release of connection in electrified areas 1.5% of the demand charges deposited by consumer for each day of default".

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In the present case the Forum is of considered opinion that:-


- (i) The Respondent is directed to refund the security amount Rs.4100/- along with other charges <sup>with In 11</sup> at prevailing bank interest rate.
- (ii) To pay compensation as per Schedule (1) (1) (i). from the date of deposition of Demand Note till the date of final order.

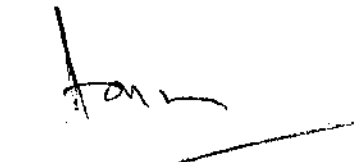
The case is disposed off with above directions.

The respondent is directed to file compliance report within 30 days from the date of this order.

The order is issued under the seal of CGRF.

  
(HARSHALI KAUR)  
MEMBER (CRM)

  
(VINAY SINGH)  
MEMBER (LEGAL)

  
(ARUN P SINGH)  
CHAIRMAN