

OFFICE OF THE ELECTRICITY OMBUDSMAN

(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act of 2003)

B-53, Paschimi Marg, Vasant Vihar, New Delhi-110057

(Phone No.: 011-26144979)

Appeal No. 24/2022

(Against the CGRF-BYPL's order dated 26.05.2022 in Complaint No. 74/2022)

IN THE MATTER OF

Shri Shakeel Ahmed Ansari

Vs.

BSES Yamuna Power Limited

Present:

Appellant: Shri Vinod Kumar, Advocate, on behalf of the Appellant

Respondent: Shri Abhishek Sharma, ASVP, Shri K. Jagatheesh, DGM,
Shri Imran Siddiqi, SR Manager (Legal), and Ms. Ritu
Gupta, Advocate, on behalf of BYPL

Date of Hearing: 14.09.2022

Date of Order: 15.09.2022

ORDER

1. Appeal No. 24/2022 has been filed by Shri Shakeel Ahmed Ansari, R/o H.No. C-159, First Floor, Khasra No. 352, Gali No. 13, Mustfabad, Delhi-110094, through Shri Vinod Kumar, Advocate, against the order of the Forum (CGRF-BYPL) dated 26.05.2022 passed in Complaint No. 74/2022.

2. The background of the appeal is that the Appellant had applied for a new domestic electricity connection vide Request No. 8005302209 dated 22.11.2021 at his above mentioned premises but the same had been rejected by the Respondent vide their letter dated 21.12.2021 mentioned therein that "As per Clause 11 (2) (iv) of DERC's Supply Code, 2017 - connection already exists".



The Respondent in their written statement stated that as per the Site Visit Report dated 08.03.2022, four domestic and one commercial electricity connections already exist on the premises. It was also found that the Meter no. 55187472 installed at Ground Floor is being used for supply of electricity at first floor which is registered in the name of Shri Tahir Ali. The height of the building is also above 15 meters and one commercial connection is already installed, hence, the new connection is not feasible. The details of all the electricity connections existing at the site are given below:

| S.N. | CA No. | Category | Floor | Name of Authorized Consumer |
|------|--|--------------|-------------------|------------------------------|
| 1. | 151946974 | Non-Domesitc | Ground (for Shop) | Sh. Vakil Ahmed |
| 2 | 101606286 | Domestic | Ground Floor | Shri Tahir Ali |
| 3 | 151927659 (disconnected in 2018) | Domestic | First Floor | Shri Shakeel Ahmed Ansari |
| 4 | 152567931 | Domestic | Second Floor | Ms. Shabana |
| 5 | 152424521 | Domestic | Third Floor | Shri Shahid |
| 6 | 153634168 | Domestic | Fourth Floor | Dr. Shakeel Ahmed |

3. The CGRF in its order stated that a connection was energized in the name of the complainant at the same premises, which was later disconnected in the year 2018 on account of non-payment of dues. The Respondent submitted that from the year 2018 till date the complainant is using electricity from the connection of Shri Tahir Ali (CA No. 101606286) installed at Ground Floor, which is also evident from the cheque payment made on 05.01.2019 by the complainant against the electricity bill of the CA No. 101606286.

4. The CGRF further stated that they are of considered opinion that as per DERC's Regulation 10(1)(vi) of Supply Code, 2017, "*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*". In the present case, the complainant is already using supply through CA No. 101606286 and for grant of new electricity connection, the complainant has to get the said electricity connection disconnected. The CGRF directed the Respondent to release the connection to the complainant once he fulfills all the



required commercial formalities as per DERC Supply Code, 2017, as only one connection in one dwelling unit is allowed.

5. Aggrieved from the order of the CGRF, the Appellant filed this appeal on the grounds that (a) the electricity connection (CA No 1551927659) installed in the First Floor had already been disconnected due to non-payment of the outstanding dues. Now, no dues are pending against this connection, (b) the connection bearing CA No. 153634168 installed in his name at fourth floor had also been sold out, (c) the Respondent wrongly submitted before the CGRF that the meter no. 55187472 installed at first floor, whereas it is installed at the ground floor, (d) the electricity connection is sought for first floor, which is a separate dwelling unit.

6. The Appellant prayed to set-aside the impugned order dated 26.05.2022 passed by the CGRF and direct the Respondent to release the new connection in his name at First Floor of the premises and any other relief may deem fit and proper, in the interest of justice.

7. The case was taken up for hearing on 14.09.2022. During the hearing, the Appellant was represented by his Counsel as he could not come owing to ill health. Respondent was present along with the Counsel. An opportunity was given to both to plead their case at length.

8. During the hearing, the Appellant contended that earlier a connection vide CA No. 151927659 (Meter No. 25255586) was installed in the year 2016 on the First Floor in his name which was disconnected in the year 2018 due to non-payment of the outstanding bills. Now, there is no meter installed on the First Floor. Also, the premises where new electricity connection is sought is already a dwelling unit. An electricity connection (CA No. 101606286) is being used by him is installed on the Ground Floor and is in the name of one Shri Tahir Ali. The Appellant request is to get the connection installed at the first floor. The Appellant further contended that it is for the Respondent to see what action it has to take against the connection in the name of Tahir Ali. The Appellant has asked to set-aside the order dated 26.05.2022 passed by the CGRF.

9. The Respondent reiterated the same as before the CGRF in their written statement submitted in this office. They further contended that First Floor of the premises is already electrified through Meter No. 55187472 (Registered in the name of Shri Tahir Ali) and there are no separate dwelling units, as such no fresh electricity connection can be provided on the First Floor till the time



the existing connection is disconnected. The Respondent further stated that though Fourth Floor is claimed sold by the Appellant yet the electricity connection is existing in his name.

10. I have gone through the appeal, written statement of the Respondent very minutely. I have also heard the arguments of both the parties. Relevant questions were asked and queries raised by the Ombudsman, Advisor (Engineering) & Advisor (Law) to get more information for clarity.

11. Upon consideration of the submissions made by the Appellant and the Respondent, it is apparent that there are five meters already existing. Out of these, one non-domestic connection is being used for shop and remaining four are being used by the residents of First Floor to Fourth Floor. On the basis of averments made by the Appellant and Respondent, it is clear that the Appellant is currently using electricity connection through the meter (CA No. 101606286) installed at the Ground Floor registered in the name of Shri Tahir Ali. It is strange that a connection exists in the name of Shri Tahir Ali and presently nobody in that name is a resident/occupant of any premises in that building. It is also a fact that the premises where the Appellant has requested for electricity connection was once owned by one Shri Tahir Ali. Though, the premises was sold and bought by different entities, yet the connection remained in the name of Shri Tahir Ali. The present owner of the said premises is the Appellant, who has applied for new connection. Respondent installed one connection in his name in the year 2016 which was disconnected in 2018 because of non-payment. The circumstances were similar as these are today, yet the Respondent energized the connection in the year 2016 and is now refusing. As per DERC's Regulations, two connections cannot be given to one residential accommodation. The connection already existing in the name of Shri Tahir Ali needs to be disconnected after following due procedures by the Respondent. It is also strange that the Respondent have been accepting electricity charges from the Appellant in lieu of the electricity used through the connection of Shri Tahir Ali. The Respondent has been, in a way, regularizing the misuse of electricity by the Appellant.


12. In view of the above discussion, this Court is of considered opinion that the connection existing in the name of Shri Tahir Ali is irregular and the use of electricity through this connection by the Appellant is not according to extant rules.



Respondent, accordingly, is directed to undertake the following actions:

- (i) To conduct enquiry into the fact that a connection in the name of Shri Tahir Ali exists in the building and nobody by this name, is an occupant/owner of the premises. Upon enquiry Respondent is required to take necessary action against that as per extant rules.
- (ii) To install the connection as applied for by the Appellant after completing the commercial formalities immediately.

The appeal is disposed off accordingly.


(P. K. Bhardwaj)
Electricity Ombudsman
15.09.2022