

OFFICE OF 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

(PhoneNo.: 011-26144979)

Appeal No. 38/2023

(Against the CGRF-BYPL's order dated 21.08.2023 in Complaint No. 269/2023)

IN THE MATTER OF

Shri Rohtas Chander

Vs.

BSES Yamuna Power Limited

Present:

Appellant: Shri Rohtas Chander along with Shri Ravi Kumar,
Advocate

Respondent: Shri Gagan Sharma, ASVP, Shri Deepak S Verma,
Senior Manager, Ms. Shweta Choudhary, Legal Retainer
and Ms. Ritu Gupta, Advocate, on behalf of BYPL

Date of Hearing: 22.11.2023

Date of Order: 23.11.2023

ORDER

1. Appeal No. 38/2023 has been filed by Shri Rohtas Chander, R/o House No. 57, Gali No. 7, Bank Colony, Mandoli, Delhi – 110093, through his advocate, Shri K.P.S.Chauhan, against Consumer Grievance Redressal Forum - Yamuna Power Limited's (CGRF-BYPL) order dated 21.08.2023.

2. The instant case is that the Appellant applied for three new connections at premises bearing House No. 3, Gali No. 3, Khasra No. 601, Extended Lal Dora, Bank Colony, Mandoli, Delhi – 110093, measuring 41 sq. meters, vide Application Nos. 8006200889, 8006201355 and 8006201357 dated 06.03.2023. Subsequently, the application bearing No. 8006200889 was rejected due to premises locked/contact number not reachable/ESS space required. Whereas,



Application Nos. 8006201355 & 8006201357 were rejected on the ground that space for 'Electric Sub-station' was required, which was intimated to the Appellant vide deficiency letters issued by the Respondent. The Appellant again applied for connection on 23.05.2023 vide Application No. 8006323283 but the same was also rejected on 26.05.2023, on the same grounds. In continuation, the Appellant sent various letters to the Discom, i.e., dated 16.03.2023, 03.04.2023, 19.04.2023 & 09.05.2023, and also personally visited their office, but he did not succeed in getting the new connection. As such, the Appellant filed a complaint before the CGRF-BYPL on 05.06.2023 with a request to direct the Discom to release the connections at his premises.

3. The Respondent's version before the Forum was that the premises, where the complainant sought electricity connections, is part of a large compound of approximately 4000 sq. yards named "Pradhan Complex". The Developer (Shri Chunni Lal) had developed the compound without providing any space for electric sub-station and network. The Respondent further stated that even though the said area was not electrified, yet on the recommendation of the Member of Legislative Assembly (MLA), to fulfill the basic need, one pole was installed by the Operational & Maintenance (O&M) Team of the Discom. Furthermore, the complainant who is well aware of the situation, also gave consent vide his letter dated 30.05.2023 "to provide him one permanent connection in place of a temporary connection and that he will not apply for more connections". On the request, one permanent connection, vide CA No. 154149386, against Application No. 8006323283 was provided to him on 03.06.2023. The Respondent further stated that as per Regulation (6) of the Schedule of Charges and Procedure under DERC's Supply Code, 2017 and Regulation (22), as amended up to date – *"space for the installation of ESS is required to be provided by the Developer/occupants asking for electricity supply"*, subject to certain conditions which are detailed in Sub-Regulation 4, and in particular when the subject property is part of a plot having total area of 500 sq. meters or more.

Therefore, due to the non-availability of any space and the necessary approval for electrification of the area, no fresh electricity connection could be released at the subject property.



4. The appellant, in his rebuttal dated 17.07.2023 before the CGRF, stated that he is not in a position to provide space for an electric sub-station, as his plot is measuring only 41 sq. meters. The Appellant further submitted that Discom had already provided 15 electricity connections in the same street. However, the Discom submitted that their O&M Team informed him that the transformer installed in the area is only 25 KVA and already 17 connections, including one of the complainant has been energized in the area, hence, there is no possibility of releasing the new connection in the area.

5. The Forum, in its order dated 21.08.2023, stated that there is no possibility of granting any new connection, therefore, the complainant was advised to ask the developer to provide space for the installation of Electric Sub-station for BSES Network.

6. Aggrieved by the order dated 21.08.2023 passed by the Forum, the appellant filed this appeal on the ground that before and after his applications, the Discom has released 17 electricity connections, permanent as well as temporary, in the vicinity. The grounds of the appeal are as follows:

- (i) The Forum passed the order without considering the relevant facts.
- (ii) The onus and burden of providing space for the installation of the ESS and BSES Networks is simply shifted to the Appellant.
- (iii) It was the Discom which gave a proposal that I should submit a letter stating that I would not ask for more connections, if given one permanent connection, then they only released one permanent connection on 03.06.2023.
- (iv) The Forum did not consider the facts relating to delay/rejection in providing the permanent connection since property, pole and transformer remain the same.

As such, the Appellant prayed for releasing two more domestic electricity connections in his favour, in the interest of justice, and any other relief which may be deemed fit and proper.

7. The Respondent, in a written submission dated 09.10.2023 to the appeal, submitted details of all seventeen (17) electricity connections, viz; name of the consumers, CA Nos., House, Nos., Sanctioned Load, MDI and Date of installation, as claimed by the Appellant. The details revealed that out of 17



connections, 5 are in the name of the developer, namely Shri Chunni Lal and his sons. These connections were released on account of verbal assurance, and the Discom was hopeful that soon space for ESS/network would be provided and they would be in a position to release the connections as per future demand. However, Shri Chunni Lal, who developed 'Pradhan Complex', did not fulfill his commitment. Therefore, there is no option but to release one connection per house post-April 2023, and after June, 2023, no permanent connection was released, except one temporary connection released at House No. 2. The Respondent clarified that it is not a case that they are not releasing connections, but it is a case that until such time space is provided for ESS/network, they are not in a position to release connections.

Further, the Respondent submitted that the Appellant was duly informed that there is no space for network/ESS, and as such, through the existing system and transformer, only one connection per house can be released. After that, the Appellant applied afresh for a new connection in May, 2023 and gave an undertaking that he would not seek more connections, as a consequence, one permanent connection was released in his favour in June, 2023.

8. The appeal was admitted and taken up for hearing on 22.11.2023. During the hearing, the Appellant was present along with Shri Ravi Kumar, Advocate, and the Respondent was represented by its authorized representatives/Advocate. An opportunity was given to both the parties to plead their respective cases at length.

9. During the hearing, the Appellant reiterated the contentions with prayer as submitted in the appeal. During the discussion on the subject, it transpired that Shri Chunni Lal (Developer) has also given an Affidavit that space for ESS is available in his plot/land.

10. However, the Respondent, in response to whether the area is electrified or un-electrified, submitted that one transformer (25 KVA) on pole is already installed there, as such, area is partially electrified. The Respondent further submitted that in spite of submission of an 'affidavit' dated 23.12.2022 by the Developer (Shri Chunni Lal), space for installation of Electric Sub-Station (ESS)/Network has not been provided till date. Further, transformer is already overloaded, as it is evident from the perusal of MDI. Consequently, the Discom is not in a position to release the electricity connections till space is provided for ESS/network.



11. The material on record indicates that as per Regulation 10(1)(v) and (vi) of DERC's Supply Code, an electricity connection can be provided to the owner/lawful occupant of each floor of the premises. Further, when one dwelling unit is sub-divided with a separate kitchen and entry, a second connection may be given to the lawful occupant.

12. Regulations 11(ii)(a) and 9(b) also states that the licensee is not to deny connection as long as the peak load, including the load capacity of the new connection on the transformer does not exceed 90% of it's rated capacity. Licensee is enjoined upon to take appropriate action for augmentation of the capacity as soon as peak load on the transformer exceeds 70% of the rated capacity.

13. A recent amendment in Clause 6 to Schedule for Charges and Procedures, 7th Amendment Order dated 01.08.2023, provides that the developer/applicant taking supply of LT level for any new premises has to provide space for the distribution transformer when the total cumulative built-up area of the premises in the plot/building exceeds 2000 Sq. mtrs. or the plot size is 600 sq. meters or above.


In this case, the appellant(s) is in possession of only 41 sqm./50 sq. yards out of the entire area of 1998.80 sq. yards, as part of Plot No. 3, Khasra No. 601, of the property. As many as 9 (nine) connections were released between 27.03.2023 to 06.07.2023, after the rejection of the request by the Appellant. The Discom has not elaborated upon the steps taken to increase the load capacity as per law and the justification for rejection of the Appellant's case, in light of the latest amendment dated 01.08.2023 as mentioned in the above paragraph.

14. This court has gone through the appeal, heard the contention of the Appellant and has also gone through the written submissions of the Respondent. This Court opines that request of the Appellant has not been considered in terms of the relevant provisions of the DERC's Supply Code. In view of above, this Court is not inclined to agree with the order passed by the CGRF, and, therefore, direct the Respondent as under:



- (a) To enhance the capacity of the present transformer to cater to the requirement of all the residents in 'Pradhan Complex', including the Appellant.
- (b) To undertake a positive action for development of suitable network within the complex for augmentation of the network/capacity, while taking that Shri Chunni Lal, as the developer of this complex. He is liable to provide the space for ESS/Network as per the amendment to Clause 6 of Schedule for Charges and Procedures. This task needs to be completed within next three months.
- (c) To refrain from taking arbitrary decisions, which are contrary to the provisions of regulations and, at times, smack of high handedness.
- (d) Action taken report may be shared with this Court by 1st March, 2024, positively, showing date of energization of meter of the Appellant.

The appeal stands disposed off accordingly.


(P.K. Bhardwaj)
Electricity Ombudsman
23.11.2023