

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

(Phone-cum-Fax No.: 011-26144979)

Appeal No. 03/2024

(Against the CGRF-BYPL's order dated 30.01.2024 in Complaint No. 407/2023)

IN THE MATTER OF

Smt. Radha Chauhan

Vs.

BSES Yamuna Power Limited

Present:

Appellant: Ms. Radha Chauhan

Respondent: Shri Nishant Chauhan, Senior Manager, Ms. Ritu Gupta,
Advocate and Ms. Chhavi Raut, Legal Retainer, on behalf of
BYPL

Date of Hearing: 01.05.2024

Date of Order: 02.05.2024

ORDER

1. Appeal No. 03/2024 dated 12.02.2024 has been filed by Ms. Radha, R/o Jhuggi No. TH – 155, Sonia Gandhi Camp, Kailash Nagar, Delhi – 110031, against the Consumer Grievance Redressal Forum – Yamuna Power Limited (CGRF-BYPL)'s order dated 30.01.2024 in Complaint No. 407/2023.

2. The instant case is that the Appellant approached the CGRF-BYPL for release of a new connection at TH-155, Sonia Gandhi Camp, Kailash Nagar, Gandhi Nagar, Delhi -110031. However, her request for new connection vide Application No. 8006621373 was for Jhuggi at T-155, Ground Floor, T-Huts, Bhajan Pura, Delhi – 110053, which was rejected by the Discom vide its deficiency letter dated 30.10.2023 stating that – “site visit not completed premises locked/number not reachable/consumer out-of-station and mismatch between applied address and existing meter bill address.”



The Discom again visited the site, after the complaint was filed by the Appellant before Forum and video-graphed the site. The Discom placed the record before the Forum and submitted that the connection is sought in a temporary structure constructed along and under the railway bridge. Thus, the applied premises (Jhuggi) is a part of railway property as apparent from the photographs and there is no HT/ LT line (electricity network) near the Jhuggi due to safety reasons. Moreover, there is no document provided by the complainant with regard to allotment of Jhuggi by the competent authority, i.e. Railways. Therefore, the connection was not granted. The Discom also submitted that though her application (8006621373) regarding new connection was for Jhuggi at T-155, Ground Floor, T-Huts, Bhajan Pura, Delhi – 110053, but all the documents submitted along with application were mentioning address as TH-155, Sonia Gandhi Camp, Kailash Nagar, Gandhi Nagar, Delhi -110031.

3. The CGRF-BYPL in its order dated 30.01.2024 considered that it is evident from the videography submitted on record by the Discom, Jhuggi is on the land of Railways. Since the complainant failed to provide the token number for allotment of Jhuggi from the competent authority, the CGRF-BYPL, therefore, rejected the complainant's application for new electric connection at TH-155, Sonia Gandhi Camp, Kailash Nagar, Delhi – 110031, based on safety and security.

4. Aggrieved from the order dated 30.01.2024 passed by the CGRF-BYPL, the Appellant preferred this appeal on the ground that the Forum has rejected her request due to non-submission of token from the Railways and alleged that the Railway Authority did not give her token as also to other residents of the Jhuggi. The Appellant claimed that she is applying connection for Krishna Nagar and Bhajan Pura Jhuggies since 2015. The Appellant also submitted that electricity connections have already been released at nearby Jhuggies and submitted documents viz' electricity bills and photograph of the site, in support of her claim.

5. The Appellant prayed to grant her a new electricity connection at T-Huts – 155, Sonia Gandhi Camp, Kailash Nagar, Delhi – 110031. .

6. The Discom, in its written submissions reiterated the same as before the CGRF-BYPL. The Discom also elaborated/explained the position of the Jhuggi by submitting a site map along with its reply.

7. The appeal was admitted and fixed for hearing on 03.04.2024 and later taken up for the hearing on 01.05.2024 on the request of the Appellant. During the hearing, both the parties were present. An opportunity was given to both the parties to plead their case at length.

8. During the hearing, the Appellant reiterated her contention regarding non-release of new electricity connection and placed photographs of the location of the Jhuggi, in question. The Appellant further submitted that due to a fire in 2012, the



Jhuggi got burnt and the meter installed in the name of her father-in-law was removed by the Discom in 2015. She built new Jhuggi and thereafter applied for a new connection wherein address as Jhuggi 155, Lohe Wala Pul, Police Barrack, Gandhi Nagar, Delhi – 110031, was mentioned. Moreover, the Appellant was insistent on the fact that a connection existed at the aforementioned address before it was removed by the Respondent in 2015.

9. In Rebuttal, the Discom emphasized on mis-match in the address, on the basis of photographs of the site, which have already been submitted by them along with their written submissions.

10. This Court has heard the contentions of both the parties and observed the following:-


- (i) The Appellant sought connection at T-155, Jhuggi at Bhajan Pura, while she is in possession of documents mentioning address T Huts-155, Sonia Gandhi Camp, Kailash Nagar, Gandhi Nagar, Delhi – 110031.
- (ii) Site visit report submitted by the Discom indicates that the applied premise is a temporary structure, adjacent to Railway line, on railway land with no other Jhuggi in vicinity. There is no nearby LT line. There is no token or NOC from Railways.
- (iii) The premises, in question, is distinct from other Jhuggies where connections exist.
- (iv) Requirement of Regulation 10(3)(ix) of the DERC's Supply Code, 2017, is not satisfied. The said Regulation states as under:

“For bonafide consumers residing in JJ clusters or in other areas with no specific municipal address, the licensee may accept either ration card or electoral identity card mandatorily having the same address as a proof of occupancy of the premises.”
- (v) Landmark decision by the Delhi High Court in 2017 in Parivartan Case does not allow release of connection in unauthorized colonies. There is no case of allotment of Jhuggi by the Competent Authority.
- (vi) The Appellant has given reference of two connections which were given by the Respondent, but, as per documents/copy of bills, both these addresses are away from the address given by the Appellant in her application. This argument doesn't, in any way, support her contention.



11. On the basis of discussions/arguments, written submissions from both the parties & photographs placed on record, this Court directs the Respondent (Discom) to verify from their record the current status of Jhuggi No. 155, Lohewala Pul, Police Barrack, Gandhi Nagar, Delhi – 110031, from where a meter was supposedly removed in 2015, as claimed by the Appellant. In case a reference on the records of Discom exist along with K. No., other billing details and receipts of payments etc., the connection be released after completing commercial formalities, otherwise the new connection be denied.

The appeal is disposed off accordingly.


(P.K Bhardwaj)
Electricity Ombudsman
02.05.2024