

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. 45/2023

(Against the CGRF-BYPL's order dated 02.06.2023 in Complaint No. 163/2023)

IN THE MATTER OF

Ms. Zahida Bi

Vs.

BSES Yamuna Power Limited

Present:

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

Respondent: Shri Vipin Kumar Gautam, DGM, Ms. Shweta Chaudhary,
Legal Retainer and Ms. Ritu Gupta, Advocate, on behalf of
BSES-BYPL

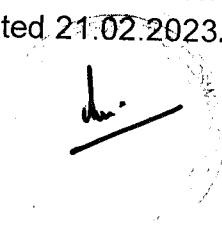
Date of Hearing: 27.12.2023

Date of Order: 28.12.2023

ORDER

1. Appeal No. 45/2023 has been filed by Ms. Zahida Bi, R/o 2723, Ground Floor, Gali Badliyan, Chooriwalan, Pahar Bhojla, Delhi – 110006, through Shri Vinod Kumar, Advocate, on 12.10.2023, against the Consumer Grievance Redressal Forum – Yamuna Power Limited (CGRF-BYPL)'s order dated 02.06.2023 in CG No. 163/2023.

2. The instant case is that the Appellant has applied for a new domestic electricity connection at the above mentioned premises vide Request No. 8006172390, which was rejected by the Discom on the ground that three dwelling units exist on the ground floor and three connections already exist on the applied floor, viz; meter nos. 11957907 (CA No. 100219561), 11957852 (CA No. 100229508), 35108163 (CA No. 151889995) and there was an outstanding dues against CA No. 4000936217 through order status dated 21.02.2023. The Discom further added that the Appellant wants a



fourth electricity connection on the ground floor, which is already electrified but unable to show a fourth dwelling unit on the same floor. The Appellant in rejoinder before the CGRF submitted that the building, in question, is divided in three parts and her portion is on the plinth area/ground floor, measuring 33.44 sq. meters. The Appellant further submitted that even before she had purchased the ground floor premises, an electricity connection bearing CA No. 100219561, registered in the name of Shri Maheshi Lal, was installed on the ground floor but was being used for the fourth floor of the building. The Appellant denied the claim of the Discom that she wants a fourth connection on the ground floor.

3. The CGRF-BYPL, in its order dated 02.06.2023 referring to Regulation 10 (vi) - New and Existing Connections of DERC (Supply Code and Performance Standards) Regulations, 2017, rejected her complaint stating that since an electricity connection has already been installed in the applied portion, which is also evident from the sale-deed in favour of Ms. Zahida Bi dated 13.09.2018, therefore, a new connection cannot be released to her.

4. Aggrieved from the above cited order of the CGRF, the Appellant filed this appeal on 17.10.2023 on the ground that the CGRF failed to consider the fact that the meter (CA No. 100219561) installed in the name of Shri Maheshi Lal on the ground floor and is feeding electricity supply on the fourth floor, which is illegal and unlawful. In fact, this meter was given by the builder to Shri Lal at the time of the construction of the building, and she is in dire need of an electricity connection. Therefore, the Appellant prayed to direct the Discom to release a 3-phase electricity connection against Request No. 8006172390 on the premises as cited in para '1' above and to compensate her on account of avoidable and unnecessary mental agony.

5. The Discom, in their written submissions to the appeal before this office, submitted that the Appellant was duly informed vide their deficiency letter dated 21.02.2023 that on the ground floor of the building, three dwelling units with three meters already existed, as per details given below:

S.No.	CA Nos.	Registered Consumer	Date of Energization
1.	100229508	Gajadhar Pershad	03.05.1967
2.	100219561	Maheshi Lal	10.05.1977
3.	151889995	Shabana Aqil	05.07.2016



In addition, the Respondent submitted that the applied premises is part of a building with six floors and twenty-two (22) electricity connections exist as detailed in the reply dated November, 2023. On receipt of the appeal, the Discom again inspected the applied premises and found that the applied premises was duly electrified in the name of Maheshi Lal, and, accordingly, advised the Appellant to get the name changed for the said connection.

6. The appeal was admitted and taken up for hearing on 27.12.2023. During the hearing, the Appellant was represented by her Counsel, Shri Vinod Kumar and the Respondent was represented by its authorized representatives/Counsel. An opportunity was given to both to plead their respective cases at length.

7. During the hearing the Counsel of the Appellant emphasized his prayer as submitted in the appeal.

8. However, in response to a query regarding proper site visit of the premises in question, the Respondent could not submit satisfactory answer. The Respondent further submitted that after serving/pasting a notice under Section 163 of the Electricity Act, 2003, the site was again visited on 26.12.2023, to ascertain the number of dwelling units in the building. During visit, it was found that electricity meter registered in the name of Maheshi Lal was being used for lighting the stair case and operating of motor pump instead of domestic purposes. The Respondent also agreed that against 23 residence units in the building, there were only 22 electricity connections. Also, the Respondent could not explain satisfactorily about the presence of Shri Maheshi Lal and Shri Gajadhar Pershad, on the ground floor in the building, as on date, particularly with reference to the connections obtained in their names five or six decades ago.

9. This Court has gone through the appeal, written statements and heard both the parties and also gone through the relevant provisions of DERC (Supply Code & Performance Standards) Regulations, 2017. During the hearing relevant queries were asked and questions raised by Advisor (Law), Advisor (Engg.) and the Ombudsman to elicit more information about the issue.

The following aspects emerge out of the above discussions:

- a. There is no clarity from the record on the status of Maheshi Lal, whether he lives on ground or fourth floor. The bill/written statement also states "No Floor" against his name. There is no response to the allegation of unauthorized use of electricity by Maheshi Lal or some other persons and the action taken against him/them.



- b. Outstanding bill of Rs.46,552/-, is pending on the basis of Enforcement Inspection carried out on 27.10.2016 towards Shri Anees/Gulfam, Flat No.7, First Floor of 2723, Gali Badliyan, Chooriwalan, Pahar Bhojla, Delhi – 110006. This cannot be a basis for denial of independent connection on the ground floor.
- c. Since the Appellant, purchased the property through registered sale-deed in the year 2018, she is entitled to transfer of connection in her name in terms of Regulation 17(1)(i) of DERC (Supply Code and Performance Standards) Regulations, 2017.
- d. Field Inspection which does not verify the occupants and deficiency letter dated 21.02.2023, based on such inspection are perfunctory since no clear picture emerges there from. It is very clear that there are 23 dwelling units in the building and there are 22 connections existing. It also makes it clear that one dwelling unit is not having proper connection. The inspection does not throw any light on this simple calculations/maths. The inspection prior to 26.12.2023 failed to detect use of electricity connection in the name of Maheshi Lal for lighting of stair-case and operating the motor pump.
- e. The CGRF erred in considering and equating electricity fittings as electricity connection.

10. Having taken all factors, written submissions and arguments into consideration, I am of considered opinion that the Appellant doesn't have a connection and applied for the one in the present case. It is for the Respondent to find out the status of connection of Maheshi Lal and take further necessary action as per the relevant rules. Presently the above connection happens to be a live connection.

11. In view of above, the Court sets-aside the orders passed by the CGRF-BYPL and orders as under:


- (i) Connection be installed at ground floor in favour of the Appellant in next fifteen (15) days after completion of commercial formalities.
- (ii) Compensation to the tune of Rs.5,000/- be given to the Appellant in the interest of natural justice as she has suffered because of perfunctory and incomplete field report and subsequent action by the officers of Respondent.
- (iii) An enquiry be conducted to fix the responsibility for perfunctory and incomplete field visits and non submission of complete and clear picture.



(iv) The enforcement dues of Rs.46,552/- are not recoverable from the Appellant and Respondent should make efforts to recover after carrying out enquiry into it.

(v) CEO may also take steps for proper training for the field staff for thorough examination of salient aspects in every case and a mechanism be also evolved for a random check on the nature of field inspections in 20% of cases by the superior officers for a logical decision on the request made by any consumer.

The appeal stands disposed off accordingly.


(P.K. Bhardwaj)
Electricity Ombudsman
28.12.2023