

Office of the Electricity Ombudsman

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

B-53, Paschimi Marg, Vasant Vihar, New Delhi – 110 057

(Phone No.: 32506011, Fax No.26141205)

Appeal No. F. ELECT/Ombudsman/2014/600

Appeal against the order dated 25.10.2013 passed by CGRF–BYPL in Complaint No. 204/08/13.

In the matter of

Shri Jai Prakash

Appellant

Versus

M/s BSES Yamuna Power Ltd.

Respondent

Present:-

Appellant: Shri Jai Prakash was present in person.

Respondent: Shri Raghvender Sharma (AFO), Sh. Tarun Jhinharia (Legal Retainer) & Sh. Deepak Benjamin (BM) attended on behalf of the BYPL.

Date of hearing : 12.02.2014, 05.03.2014, 12.03.2014

Date of order : 31.03.2014

ORDER NO. OMBUDSMAN/2014/600

This appeal has been filed by Shri Jai Prakash, R/o H. No.5/171, 2nd Floor, Gali No.5, Lalita Park, Laxmi Nagar, Delhi – 110092, against the order of the Consumer Grievance Redressal Forum – BSES Yamuna Power Ltd. (CGRF-BYPL) in which his request for a new connection was declined.

The case had been filed by the complainant before the CGRF stating that he had applied for a new domestic connection (1KW) on 21.06.2013 but the DISCOM did not install the connection on his application.

The DISCOM had opposed the case before the CGRF stating that the complainant did not file the proper documents of occupancy & ownership of the property and the property is in dispute with his brother. Therefore, it argued that it was right in rejecting the application of the complainant for a new connection.

The CGRF had agreed with the DISCOM and dismissed the complaint stating that since the complainant does not have any documentary proof of ownership etc., his request could not be allowed.

Now in appeal the complainant argued that the CGRF was mistaken in its conclusion and added that the DISCOM had not considered properly the documents filed by him i.e. Will etc.. He is an occupant of the premises for many years and already has one electricity connection in his name at the ground floor of the same premises.

The DISCOM opposed the appeal stating that there is some 'family dispute' in the property and admitted that he already has one electricity connection i.e. CRN No. 1230060970 at the same premises. According to the DISCOM, this is a 200 square yard property out of which the father of the appellant has transferred only 50 square yards portion to him. The DISCOM further said it was unable to extend the supply to the newly constructed portion in the same property, as it will be in violation of Section 126 of the Electricity Act, 2003.

Both the parties were heard. It is observed that the DISCOM cannot reject an application of a new connection on the ground that there is some 'family dispute' unless some civil case has been shown to be pending among the same parties and some prejudice will be caused to any party by doing so. In the present case none of the parties has shown that any civil case is pending regarding this property. The DISCOM's stand is correct to the extent that where an electricity connection already exists in the name of complainant, no second connection of the same category can be released in his name. At

the same time the stand of the DISCOM that out of the existing connection, electricity supply cannot be extended to the newly constructed portion is not correct. Section 126, Explanation (v), only prohibits extending the supply to an area which the DISCOM has not authorized. It can duly authorise the extension, for which liberty can be given to the complainant, if he so wishes, and maintain proper records for the purpose. This will avoid issue of a second connection.

It is hereby ordered that the DISCOM shall assess the extra load for the newly constructed portion occupied by the complainant on furnishing of his application to this effect. It will enhance the existing load on his connection bearing CRN no. 1230060970, if so required, and shall extend the supply to that portion. The complainant shall bear the cost of cable etc..

A copy of this order be circulated to all the CGRFs for correct appraisal of the provisions.


(PRADEEP SINGH)
OMBUDSMAN

3/5/14 March, 2014

