

Delhi Electricity Regulatory Commission
Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi – 17

Ref. F.11(666)/DERC/2010-11/

Petition no.12/2011

In the matter of: Complaint under Section 142 of the Electricity Act, 2003.

AND

In the matter of :

Babita Gupta
140, Janta Flats
Nand Nagri
New Delhi.

...Complainant

VERSUS

BSES BYPL
Through its: CEO
Shakti Kiran Building
Karkardooma Court
Delhi.

....Respondent

Coram:

Sh. P.D.Sudhakar, Chairman, Sh. Shyam Wadhera, Member & Sh. J. P. Singh, Member.

ORDER

(Date of Order: 09.08.2011)

Appearance:-

- i) Suraj Aggarwal, Authorized rep. of Rajeev Gupta.
- ii) Surendra Singh, Authorized rep. of Rajeev Gupta.
- iii) Manish Srivastava, Advocate on behalf of Respondent.

1. In the matters of Babita Gupta Vs. BYPL, the petition filed under section 142 of the Electricity Act, 2003.
2. The above case has been referred by the CGRF BYPL vide its letter no. dated 03.20.2011 for initiating penal proceedings u/s 142 of the Electricity Act for non-compliance of Regulations 17 & 18 of the Supply Code Section, Regulation 11 of DERC (Guidelines for Establishment of Forum for Redressal of Grievances of the Consumers) Guidelines, 2003 and Section 43 of Electricity Act 2003.

The Gist of the case is given as under:-

3. The complainant has stated that she applied for a connection of 60 KW in SIP category on 11.08.2010, but her application was rejected by the respondent company vide its letter dated 16.08.2010 and, therefore, she has requested for a direction to the company to issue the demand note.
4. The respondent company, while rejecting the application of the complainant vide its letter dated 16.08.2010, has stated that their existing distribution network in the area is not meant for such large load. It has also been stated that the complete distribution system is already overloaded and, therefore, it is not possible for them to provide the LT connection without proper electrification. Further the consumer has also been asked to submit MCD license and original papers relating to the property.

5. CGRF while keeping in view the provisions of Section (43) of the Electricity Act, 2003 under which the licensee has a duty to supply on request of prospective consumers and Regulation (17) of the Supply Code, issued by DERC, under which the licensee is required to take action for augmentation of its existing capacity, if needed for releasing new connections, directed the respondent company to take action as under:-
- i) To initiate immediate action for allotment of land from the concerned land/revenue agency for setting up of new grid substation in the industrial area under intimation to DERC as per requirement of Regulation (18) of the Supply Code for meeting the long term power requirement of this area. If, however, land for the purpose of construction of 66 KV grid sub-station is allotted by DDA/Govt. of NCTD to meet the power requirement of Jail complex in this area, the same may serve the purpose for industrial area as well.
 - ii) Pending setting up of new grid sub-station in the industrial area, company may lay a new 11 KV feeder from Nand Nagri substation to this industrial area to meet the immediate requirement of power as stated by the representative of the company in the similar case of Rajeev Gupta during the course of hearing/arguments. The release of demand notes to the pending/new applicants shall, however, not be withheld on this account as the existing 11 KV feeder has some spare capacity (carrying capacity being 300 Amps. against the reported peak load of 264 Amps.) and, therefore, the work of releasing new connections and laying the new 11 KV feeder can go on simultaneously.
 - iii) Pending/new LT connections be released in the industrial area by installing pole mounted distribution transformers. If however, the approval of the electrical inspector for installing pole mounted distribution transformers is refused in writing due to technical reasons, the company may request the concerned consumers for providing space for installation of distribution transformers in their premises. For HT connections, already the consumers are required to provide space in their premises as per Supply Code.
 - iv) The release of all pending/new connections will be subject to completion of necessary commercial formalities as per DERC Supply Code and also subject to the consumers obtaining necessary statutory clearances.
6. Commission after taking cognizance on the communication of CGRF have issued notice of hearing on dated 2nd June, 2011 directing therein the Respondent BYPL to show-cause as to why they have failed to comply the order of CGRF dated 26-11-2010, which tantamount to violation of Regulation-11 of Delhi Electricity Regulatory Commission (Guidelines for establishment of Forum for redressal of grievances of the consumers and Ombudsman) Regulations 2003.

Hearing in the Commission

7. Hearing in the Commission held on 2nd August, 2011 where both the Parties were present.
8. At the outset of hearing, the Respondent informed that they have filed a writ petition No. WPC 5049 of 2011 and CM No.10248/11 before Hon'ble High court of Delhi. The above matter was listed for hearing on 01.08.2011 in the Hon'ble Court before Single Bench of Hon'ble Mrs. Justice Hema Kohli wherein while passing the interim order she stayed the operation of impugned order dated 26.11.2010 of CGRF till the next date of hearing subject to petitioner licensee intimating in writing to the above complainant, all requisite formalities to be completed for grant of temporary LT. electricity connection at the subject premises, in respect of which the tariff shall be payable by the consumer on

permanent L.T. basis, and also subject to supply of electricity at the subject premises within a period of one week from the date of completion of the aforesaid formalities.

9. In light of the above and keeping in view the pendency of the above Writ Petition in the Hon'ble High Court of Delhi on the same issue and thereby staying of the order of the CGRF by the Hon'ble Court, non-compliance of which is the subject matter of present complaint, the Commission has decided to defer the hearing of the instant case sine-die, with the direction to the Registry to list the matter only after finalization of above case in the Hon'ble High Court of Delhi.
10. Ordered accordingly.

(J. P. Singh)
MEMBER

(Shyam Wadhera)
MEMBER

(P. D. Sudhakar)
CHAIRMAN