

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

No. F. 11(865)/DERC/2012-13/3713/1453

Petition No. 47/2012

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

In the matter of:

Ramesh Ahuja
3-LSC, Kanishka Complex
Saini Enclave
Delhi – 110092

...Petitioner

Versus

M/s BSES Yamuna Power Ltd.
Through its : CEO
Shakti Kiran Building
Karkardooma
Delhi-110092

...Respondent

Coram:

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

Appearance:

1. Sh. Ramesh Ahuja, Petitioner;
2. Sh. Dharam Chand Jain, Representative of petitioner;
3. Sh. Prem Chand, Advocate for Petitioner'
4. Sh. Manish Srivastava, Advocate of Respondent;
5. Sh. G.P. Anand, Sr. Manager, BYPL
6. Sh. N.K. Sharma, Sr. Manager, BYPL
7. Sh. D. Ravi Kumar, Manager, BYPL;

INTERIM ORDER

(Date of Hearing: 31.10.2013)

(Date of Order: 12.11.2013)

1. The instant petition has been filed by Shri Ramesh Ahuja R/o 3-LSC Kanishka Complex, Saini Enclave, Delhi-110092 being an attorney on behalf of following consumers:

- 1) Shri Om Prakash Manchanda
- 2) Shri Rakesh Rajput

- 3) Som Nath
- 4) Ms. Mamta Jain

2. All the aforesaid four consumers have applied for new Industrial Power Connection at 520-A, G T Road, Dilshad Garden, Shahdra, Delhi on 23.02.2011; 08.03.2011; 28.04.2011 and 28.06.2011 respectively but neither they have been communicated nor new IP connection has been released on the aforesaid address.

3. It has been alleged by the attorney of the consumers (Shri Ramesh Ahuja) that the Licensee (BSES Yamuna Power Limited) has failed to comply with Regulation 16 (ii) of DERC Supply Code, 2007, as the aforesaid consumers have applied on 23.02.2011; 08.03.2011; 28.04.2011 and 28.06.2011 and they have not been communicated within the stipulated time of 3 days. The relevant Regulation is reproduced as under:

Regulation 16 (ii) of DERC Supply Code, 2007

"The Licensee shall issue dated receipt to the applicant and any deficiencies in the application shall be intimated in writing within 3 days of receipt of application. The application shall be considered to be accepted only on removal of such deficiencies. In case the consumer has not been intimated within stipulated 3 days about any deficiency in his application shall be deemed to have accepted by the licensee."

4. It has been further alleged by the attorney of the consumers (Shri Ramesh Ahuja) that the Licensee (BSES Yamuna Power Ltd.) has however, already released IP connection on the same premises i.e 520-A, G T Road, Dilshad Garden, Shahdra, Delhi to four other consumers whose details are as under:

- i) Shri Sushil Kumar on 03.09.2010
- ii) Shri Nirmal Kumar on 06.10.2010
- iii) Ms. VAndana Khanna on 31.01.2011
- iv) Ms. Poonam Jain on 08.04.2011

5. The complainant vide its petition has requested to impose penalty upon the Licensee under Section 142 of the Electricity Act, 2003 for not providing the new IP connection as per Regulation.

6. The Respondent submitted that the erstwhile big plot has now been divided into small plots and has been given to various persons including the

petitioners. The Respondent also submitted that for supply of electricity to all new applicants, a transformer has to be installed and they do not have space to install the transformer and provide electricity to them. The Respondent contended that if the space is provided for installation of transformer, electricity connection may be given after installation of a transformer.

7. The matter was listed for hearing on 27.06.2013, after hearing both the parties, the Commission observed that a spot inspection may be carried out along with representative of all concerned parties and a status report furnished for further action and the Commission directed ED(Engg.) to depute a team of officers to inspect the site and submit their report.

8. In compliance to the Commission's order dated 30.07.2013, the Engg. Division has visited the site on 18.09.2013 and submitted its report. The Engg. Division submitted that M/s BYPL has provided electricity connection on LT supply to 4 nos. of consumers in the premises (Ganpat Mill), where Mr. Ramesh Ahuja has requested to release more connections to the other consumers. M/s BYPL has also provided 22-29 nos. of electricity connections at the premises of old Satish Rolling Mills.

9. The above matter was listed for hearing today in the Commission; where above named representatives of both the parties were present and submitted their arguments on the issue of admission of this petition.

10. The Commission heard both the parties at length. On the basis of pleadings and oral submissions of both parties and considering the report of the Engg. Division, the Commission is of the opinion that the Respondent prima-facie appears to be responsible for the following violations:-

A. Violation of Section 43 of the EA, 2003

As per Section,

Every distribution licensee, shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply .

This has apparently not been done.

B. Violations of Regulation 16 (iv) of DERC Supply Code, 2007

Regulation 16(iv) provides that

The Licensee shall process any application for new connection submitted along with other necessary documents within the time frame as given below:

- i.
- ii.
- iii.
- iv. ***In all other cases, except as provided in the Act or these Regulations, the Licensee shall sanction the load and raise a demand note in accordance with the provisions of these Regulations under proper receipt to the applicant, giving breakup of the estimate of applicable charges including security deposit for providing such connection. The Licensee shall issue the demand note within 7 days of acceptance of application. A Licensee may at the request of the Applicant collect payment at the time of making the application which shall be received on account and subject to completion of all commercial formalities.***

These provisions have not been complied with.

C. Violations of Regulation 17 of DERC Supply Code, 2007

Regulation 17 provides that

- (i) ***Wherever the existing transformation capacity is loaded up to 80% of its capacity, the Licensee shall take appropriate action for augmentation of capacity. However, new connection shall not be denied in such cases.***
- (ii) ***For connection requiring augmentation of distribution system, the Licensee shall inform the applicant the approximate time frame by which applied load can be energized which shall not exceed the time schedule given in Table 1 below:***

1.	Extension of LT line upto 5 poles	Fifteen days
2.	Electrified Areas where extension of lines or augmentation of Distribution Transformer is required	Sixty days
3.	Electrified Areas where new Distribution Transformer is required	One hundred and twenty days
4.	
5.	

These provisions have not been complied with.

11. As already discussed in the preceding paragraph 5, the IP connection of the applicant is technically feasible and the respondent has not responded to his application even after lapse of a period of two

and half years, whereas electrical connections to other applicants in the same area have been provided.

12. In view of the above, the Respondent is directed to show-cause as to why penal action under Section 142 of the Electricity Act, 2003, for violating the above-mentioned Regulations and provisions of law, should not be taken against it. The Respondent is directed to file its reply within two weeks with service of a copy to the Complainant. The Complainant has also been given liberty to file rejoinder, if any, within a week of above filing.

13. The next date of hearing shall be intimated to the parties in due course.

14. Ordered accordingly.

Sd/-
(J. P. Singh)
Member

Sd/-
(Shyam Wadhera)
Member

Sd/-
(P. D. Sudhakar)
Chairperson