



Delhi Electricity Regulatory Commission

Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi- 110017

F.11(2162)/DERC/2023-24

Petition No. 48/2023

Under section 142 of the Electricity Act, 2003

In the matter of:

Manik Gandhi

..... Petitioner

Versus

BSES Rajdhani Power Ltd.

Through its: CEO

..... Respondent

Coram:

Justice (Retd.) Jayant Nath, Chairperson

Sh. Ram Naresh Singh, Member

Sh. Surender Babbar, Member

Appearance:

Mr. Moksh Arora, Advocate for the Respondent

ORDER

(Date of Hearing: 10.10.2024)

(Date of Order: 10.10.2024)

1. This Petition has been filed under Section 142 of the Electricity Act, 2003 seeking the following reliefs:

"A. Pass an order, imposing maximum penalty under Sections 142 of the Electricity Act, 2003 against the Respondent.

B. Direct the Respondent to release new connection on the applied premises.

C. To award the cost of litigation charges, etc. in favour of the petitioner and against the respondent."

2. The case of the Petitioner is that the Petitioner had applied for a new domestic electricity connection and a favourable order was passed by the Lok Adalat on 06.10.2021. The relevant portion of the order dated 06.10.2021 reads as follows:

"Learned counsel for the petitioner submitted that he can correct the number of the premises as Shed No.3, Plot Masudpur Dairy Farm Vasant Kunj, Delhi in his application as it is only a typographical error and he is also ready and willing to file affidavit to the fact that Shed No.3 and T-3 are one and the same premises for which electricity connection is applied alongwith indemnity bond as per the requirements of the Respondent company inter alia declaring therein that the petitioner, Sh. Manik Gandhi, would be liable for consequences, if subsequently it is found that address is incorrect and the Respondent company would be entitled to take penal action including disconnection as a result of any dispute as to authenticity of the ownership of the premises of the petitioner in question.

The AR on behalf of the Respondent submitted that if such a measure is taken by the petitioner, his application for new connection will be considered by the Respondent company subject to completion of commercial formalities."

3. Thereafter, according to the Petitioner, he applied for a new domestic electricity connection but no Connection was given to him. Reliance is also placed on order of CGRF dated 01.09.2023 whereby the CGRF noted as follows:

"During deliberation 21.07.2023, both parties were present. AR of the complainant submitted that in compliance of the Permanent Lok Adalat (PLA)-III order dated 06.10.2021 passed in case no. EPLA-III/4007/2021 Mr. Manik Gandhi Vs. BSES Respondent was directed to process the connection but they refused by seeking completion certificate and MCD NOC. Respondent submitted that he has applied connection for Shed No.3, Ground Floor, Masudpur Dairy Farm, Vasant Kunj, Delhi, which was booked by MCD on 20.12.2021. He further submitted that completion certificate was not required because area was unauthorized. He also submitted that it appears that there was a change in the address of the complainant, which required verification. Respondent was directed to verify the same and appraise the forum within a week. The matter was reserved for order."

4. The CGRF vide its order dated 01.09.2023 directed release of connection to the complainant on completion of commercial formalities.
5. We have heard learned counsel for the Respondent. None has appeared for the complainant.

6. Essentially, learned counsel for the Respondent has stated that the property in question has been booked by the MCD. He has taken us through the communication dated 20.12.2021 (Annexure R-7 to the reply filed by the Respondent). A perusal of the said document shows that there is unauthorized construction on the ground floor, first floor, second floor and third floor of the property in question.
7. In our opinion, there are no cogent reasons for the Respondent not to comply with the directions of the Permanent Lok Adalat or the CGRF. The booking has been done by the MCD way-back in December, 2021. There is nothing on record to show that any further steps have been taken by MCD. In these facts and circumstances, in our opinion, there is no bar on the Respondent granting the necessary connection. The Respondent will ensure compliance of the above Orders and that the connection is sanctioned and energized as per law, subject to completion of commercial formalities regarding payment of dues within three weeks.
8. Needless to state that in case MCD initiates any penal action in the form of demolition/sealing of the property in question, the Respondent is free to disconnect the supply in that circumstance.
9. In above terms, petition stands disposed of.

Sd/-
(Surender Babbar)
Member

Sd/-
(Ram Naresh Singh)
Member

Sd/-
(Justice (Retd.) Jayant Nath)
Chairperson