**BEFORE THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION, LUCKNOW**

**Petition No.: 1183 / 2017**

**Quorum**

1. Shri Desh Deepak Verma, Chairman

2. Shri S K Agarwal, Member

**IN THE MATTER OF:**

Providing multiple point connection as per Section 4.9 (a) of UP Electricity Supply Code,

2005

**Petitioners**

1. Shri Pradeep Kumar Goel, Flat No. 1-A,7 / 183-J, Swaroop Nagar, Kanpur Nagar.
2. Shri Ram Ji Awasthi, Flat No. 3 B,7 / 183-J, Swaroop Nagar, Kanpur Nagar.
3. Shri Rohit Jain, Flat No. 2-A,7 / 183-J, Swaroop Nagar, Kanpur Nagar.
4. Shri Mustakq Khan, Flat No. 4-B,7 / 183-J, Swaroop Nagar, Kanpur Nagar.
5. Shri Khalid Nawaz, Flat No. 2-B,7 / 183-J, Swaroop Nagar, Kanpur Nagar.

**Versus**

**Respondents**

1. Managing Director, Kanpur Electricity Supply Co. Ltd., 14/71, Civil Lines, KESA House, Kanpur.
2. The Executive Engineer, Urban Electricity Distribution Division, Hailet Compound, Swaroop Nagar, Kanpur Nagar.

**Present in the Hearing**:

1. Shri Isar Husain, Advocate, KESCO
2. Shri R. K. Singh, Executive Engineer, KESCO
3. Shri Vijay Singh, Advocate

**ORDER**

**(Date of Hearing: May 02, 2017)**

Whereas the Appellant Shri Pradeep Kumar Goel, Flat No. 1-A,7 / 183-J, Swaroop Nagar, Kanpur Nagar, have filed **Appeal no. 1183/2017**, in the matter of Providing multiple point connection as per Section 4.9 (a) of UP Electricity Supply Code, 2005, the petition is filed by the appellant for the declaration of change of Law and change of the provision in Electricity Supply Code.

The Appellant as approached the Hon’ble Commission out of the matter wherein the Respondent Executive Engineer has refused to sanction new electricity connection from multi point electricity supply system in favour of the Appellant. Therefore the Appellant through its Appeal has prayed to grant new electricity connection with separate metering system from multipoint supply system in favour of the Appellant. And to conduct investigation in connection with matter wherein the Respondent has refused the Appellant for new electricity connection which is yet to be considered by the Respondents.

During the hearing the Appellant said that the present Appeal has arisen out of the dispute relating to the order passed by the Executive Engineer. The Appellant submitted that he want to have multiple point connection in multi story building but the licensee has refuse it because of the letter dated 06.07.2013 issued by Director Commercial ,UPPCL. It is worthwhile to mention that licensee cannot frame its owns rules and regulations and cannot violate the regulations framed by this Commission. Whereas the licensee has defied the provisions of the Electricity Supply code 2005 enabling for multiple point connection. This petition has been filed against the aforesaid illegal order of Director, Commercial, UPPCL who has framed its own rules and regulations contrary to this Hon’ble Commission. As per the Electricity Act, 2003 licensee cannot frame its own rules and regulations but has to act in accordance to the rules and regulations framed by this Hon’ble Commission. The Appellant submitted that the present matter involves the question of law which can only be dealt by the Commission.

The Respondent submitted that there is no order of CGRF or Electricity Ombudsman which needs compliance so the petition may be dismissed. He further submitted that Commission has no jurisdiction to adjudicate upon the petition filed by an individual consumer as decided by Hon’ble Supreme Court in the matter of Reliance Vs MERC.

The Commission finds that the present petition is therefore not maintainable before it.

The Commission observes that this petition involves a substantial matter which affects large number of consumers, so the petitioner could file the petition with other similarly affected consumers in a representative capacity. They, as a group, can approach the Commission under Section 142 of Electricity Act, 2003 for violation of Section 4.9 (a) of UP Electricity Supply Code, 2005.

(S. K. Agarwal) (Desh Deepak Verma)

 Member Chairman

Place: Lucknow

Dated: 15.05.2017