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B Y P L

Consumer Grievance Redressal Forum

FOR BSES YAMUNA POWER LIMITED

(Constituted under section 42 (5) of Indian Electricity Act. 2003)

Sub-Station Building BSES (YPL) Regd. Office Karkardooma,

Shahdara, Delhi-110032

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SECY/CHN 015/08NKS

C A No. Appiled For
Complaint No. 161/2023

In the matter of:

Arun KumarComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. S.R. Khan, Member (Technical)
4. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Shanky R.S. Gupta, A.R. of the complainant
2. Ms. Ritu Gupta & Mr. R.S. Bisht, On behalf of BYPL

ORDER

Date of Hearing: 20th July, 2023

Date of Order: 28th July, 2023

Order Pronounced By:- Mr. S.R. Khan, Member (Technical)

1. The complainant in his grievance submitted that he applied for new electricity connection vide request no. 8005770668, 8005770681 and 8005770697 at premises no. Part if 1/3256, Old no. 1413-L/112, Street No. 6, Ram Nagar extension, Shahdara, Delhi-32, but respondent rejected application of complainant on the pretext of applied premises appearing MCD objection list. The complainant further added that he checked legal status of his property in Sub-Registrar office, Nand Nagri and was

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Secretary
CGRF (BYPL)

 1 of 5

Complaint No. 161/2023

informed that his portion of property which is part 1/3256, (1/2) out of Khasra No. 147, Ram Nagar Extension, Shahdara, Delhi-110032 is not booked even in his name. The part of property which is in east facing might be booked which does not have any subject to his premises.

2. OP in its reply briefly submitted that the complainant applied for new electricity connection for first floor at premises no. 1/3256, old no. 1413-L/112, Gali No. 6, Ram Nagar Extension, Shahdara, Delhi-32. The complainant applied for new connection vide request no. 8005770668, 8005770681 and 8005770697 which were rejected as applied address was found in MCD objection list at serial no. 53. As per the said list having letter no. EE(B)-II/Sh-N/2018/D-1507 dated 28.09.2018 of EDMC the premises booked for unauthorized construction 'in the shape of foundation of column (200 sq yards)". The said booking is in the name of the complainant.

OP further added that as per site visit report building status is ground plus three floors over it and two electricity connections bearing meter no. 70173219 and 70091936 are existing which were energized in year 2017 and 2007.

3. Arguments of both the parties are heard.
4. Representative of the complainant submitted that the part (booked and applied) premises of both the buildings are energized by BSES. He also submitted certified copy of sanctioned building plan of applied premises also approved and stamped by MCD. The sanctioned building plan is also verified on official MCD portal in the name of Smt. Jagrati Devi,

Complaint No. 161/2023

who is mother of an applicant Sh. Arun Kumar. Already electricity connections are energized in the applied premises and the applicant and families are residing on the premises since very long and they cannot be deprived from fundamental right.

5. LR of OP argued that MCD has booked the premises of the complainant on 13.08.2018 in the name of complainant and booking is done in shape of foundation for columns (200sq. yards). The complainant has to produce BCC from MCD department for release of new electricity connections.

6. As far as legal position is confirmed according to DERC (Supply Code and Performance Standards) Regulations 2017, Rule 10 (3) for the new connection proof of ownership or occupancy is required.

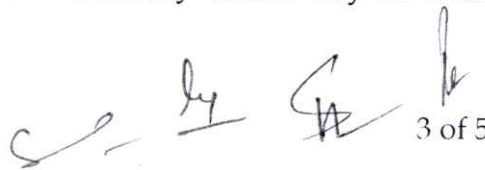
Performa for new connection has been provided in DERC (Supply Code and Performance Standards) Regulations 2017 as annexure 1, seven declarations are required as per performa and in this case 5th one is important "that the building has been constructed as per prevalence building bye-laws and the fire clearance certificate, if required, is available with the applicant."

DERC (Supply Code and Performance Standards) Regulations 2017, Rule 11 (2)(iv)(c) shows that "the Licensee shall not sanction the load, if upon inspection, the Licensee finds that;

(c) the energization would be in violation of any provision of the Act, Electricity Rules, Regulations or any other requirement, if so specified or prescribed by the Commission or Authority under any of their Regulations or Orders.

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Secretary
CGRF (BYPL)


3 of 5

Complaint No. 161/2023

7. Hon'ble Delhi High court in case of Parivartan Foundation Vs. South Delhi Municipal Corporation & Others W.P. (c) 11236/2017 dated 20.12.2017 has laid down that
3. The BSES Rajdhani Private Limited and the Delhi Jal Board shall ensure that no connections are provided and water and electricity is not supplied to the buildings constructed in violation of law.
4. In case, the connections have been given to the buildings constructed in violation of law, appropriate steps in accordance with law shall be taken regarding those connections.
8. In this regard, Hon'ble Delhi High Court in the case of W.P. (c) 2453/2019 has held "However, merely because some of the occupants of the building have wrongly been given an electricity connection, it cannot be ground for the court to direct respondents' no. 2 and 3 to further compound the wrong act and direct granting of a new electricity connection to the premises of the petition which is located in the building whose height is more than 15 meters."
9. From the narration of facts placed on record and pleadings of both the parties and perusal of the documents placed it is clear that for release of new electricity connections the complainant has to provide Building Completion Certificate from MCD. The representative of the complainant contented that the sanctioned building plan itself is the proof that building construction is approved. It is to make clear that submission of sanctioned building plan does not prove that the building is built up as per the sanctioned plan. The Building completion

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Secretary
CGRF (BYPL)


4 of 5

Complaint No. 161/2023

Certificate will only prove that the building is constructed as per building plan. Building is booked by MCD after starting of construction by the complainant. It was booked at the initial stage when columns were being laid. The complainant has neither submitted any document to prove that the booking was cleared or deviation has been removed by them nor submitted Building Completion Certificate. The booking is in the name of complainant itself thus the possibility of booking on the other part of the property is also not sustainable.

10. Therefore, we are of considered opinion that rejection of the applications of the complainant for grant of new electricity connections is justified and based on safety and security.


ORDER


Complaint is rejected. OP has rightly rejected the application of new connection of the complainant.

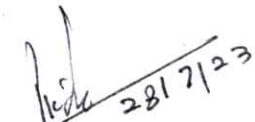
The case is disposed off as above.

No order as to the cost. Both the parties should be informed accordingly.
File be consigned to Record Room.


(H.S. SOHAL)
MEMBER


(P.K. AGRAWAL)
MEMBER (LEGAL)


(S.R. KHAN)
MEMBER (TECH.)


(P.K. SINGH)
CHAIRMAN
5 of 5

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