

C G R F



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. Applied For
Complaint No. 465/2023

In the matter of:

Aslam KhanComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmed Alvi, Member (CRM)
3. Mr. P.K. Agrawal, Member (Legal)
4. Mr. S.R. Khan, Member (Technical)

Appearance:

1. Mr. Akash Ruhela, Proxy counsel of the complainant
2. Ms. Ritu Gupta, Mr. Akshat Aggarwal & Ms. Chhavi Rani, On behalf of BYPL

ORDER

Date of Hearing: 7th March, 2024

Date of Order: 11th March, 2024

Attested True Copy

Order Pronounced By:- Mr. Nishat A Alvi, Member (CRM)

Secretary
CGRF (BYPL)

1. This complaint has been filed by Mr. Aslam Khan against BYPL-Laxmi Nagar. The brief facts of the case giving rise to this grievance are that Mr. Aslam Khan applied for new electricity connection vide request no. 8006672318 and 800667221 at premises no. R-166, 4th Floor, F/S, Plot No-26, Ramesh Park, Laxmi Nagar, Delhi-110092 but respondent rejected the application of the complainant for new connection on the pretext of

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"Building height is more than 15 meters, MCD objection" but Complainant alleged that 6 meter has already been installed in same property. Therefore, he requested the Forum to direct the respondent for release to new connections.

2. OP in its reply briefly stated that the present complaint has been filed by the complainant seeking two fresh electricity connections one for front side and other for back side for the fourth floor of property bearing no. R-166, Plot no. 26, Ramesh Park, Laxmi Nagar, Delhi-110092. The application of complainant for new connections vide request no. 8006672318 and 8006672221 were rejected vide deficiency letter for the reason as applied address was found in MCD objection list forwarded to respondent vide letter no. EE(B)-II/Sh(S)/2019/D-2916 dated 01.10.2019. As per the said list in the subject premises unauthorized construction is 'in the shape of deviation against SBP no. 10058529 at stilt to TF'.

Regarding existing connections the said connections were granted in year 2020 on BCC. The details of existing connection are as under:-

S No	C A No.	D.O.E	Floor
1	153099887	27.07.2020	First Floor
2	153098074	17.07.2020	First Floor
3	153098075	27.07.2020	Second Floor
4	153098078	21.07.2020	Second Floor
5	153098076	17.07.2020	Third Floor
6	153098077	27.07.2020	Third Floor

The earlier Building Completion Certificate (BCC) was issued by architect Karan Singh Yadav who has been debarred as such complainant is now required to submit fresh BCC.

for
Alam
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Secretary
CGRF (BYPL)

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The complainant has to provide an architect certificate of duly approved architect to the effect that building height is less than 15mtrs. The applicant undertakes that the building has been constructed as per prevalent building byelaws and in case height is more than 15mtrs then he would submit fire certificate.

3. Counsel of the complainant filed his rejoinder, refuting the contentions of the respondent as averred in their reply. However, it is respectfully submitted that the complainant earlier applied for six electricity connections and at that time, the complainant submitted the BCC Certificate to the respondent company and the connections were released in the name of consumers.

On the contrary, counsel of the complainant also submitted that the complainant had already submitted the BCC Certificate vide File No. 10075893 and also paid the building permitted fee amounting to Rs. 1,67,917/-. It is further submitted that the respondent company is taking the plea of debarred of architect but in fact, the architect has not been debarred on the part of the complainant's address and if the architect is debarred on account of the complainant then the respondent company should produce the proof about such reason.

*for
Alam*

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4. Arguments of both parties are heard at length.
5. From the narration of facts and material placed before us we find that the Architect Sh. Karan Kumar Chiliveru, having License no. CA/2017/85201 was de-barred from signing/submission of building plan applications, completion certificate applications as well as Layout plan applications with the three Corporations for a period of three years from 06.11.2020.

Secretary
CGRF (BYE-L)

G. Deeb

H. V.

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We also find that the six connections which were earlier released by OP in the year 2020 were released on the basis of Completion Cum Occupancy Certificate dated 14.07.2020 vide plan no. 10075893. Thus it is very much clear that MCD has debarred Architect Kiran Kumar Chiliveru on dated 06.11.2020 for a further period of three years and has not mentioned anything regarding the previously issued building plans, completion certificates and layout plans.

6. Therefore, the earlier issued completion certificates, building plans and layout plans can be considered. OP is thus directed to release the new connection to the complainant on the basis of the earlier filed BCC dated 14.07.2020.


ORDER


Complaint of the complainant is allowed. OP is directed to release the new connection to the complainant on the basis of earlier filed BCC.


The case is disposed off as above.


OP is further directed to file compliance report within 21 days from the date of this order.

No order as to the cost. Both the parties should be informed accordingly. Proceedings closed.


(NISHAT A ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN
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Secretary
CGRF (BYPL)

for
B. Kumar