



C A No. Applied for
Complaint No. 115/2023

In the matter of:

Imran Khan

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Ritika Gupta, Mr. R.S. Bisht, Mr. Ravi Tiwari & Ms. Chhavi Rani, On behalf of BYPL

ORDER

Date of Hearing: 06th July, 2023
Date of Order: 12th July, 2023

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

1. As per complaint, the complainant's grievance is for release of new electricity connection vide request no. 8006143188, 8006141851, 8006141974, 8006141933, 8006142004, 8006142036, 8006142063, 8006142090, 8006142101, 8006142117, 8006143063, 8006143079, 8006143088, 8006143136, 8006143144, 8006143147, 8006143152,

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Consumer Grievance Redressal Forum

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8006143162 and 8006143170 at premises no. 2808, GF, Gali Shankar Bazar Sita Ram, Delhi-110006, but respondent rejected his applications for new connection on the pretext of premises appearing in MCD objection list.

2. OP in its reply briefly submitted that the complainant is asking for new electricity connection for various floors of property bearing no. 2808, Gali Shankar Bazar, Sita Ram, Dehi-110006. In respect of the applications of complainant for new connections the deficiency letters were issued for the reason as applied address was found in MCD objection list forwarded to respondent vide letter no. D-331/EE(B)-II/City-S.P. Zone) dated 02.03.2021. The subject property is mentioned at serial no. 5. As per the said list unauthorized construction is 'in the shape of Ground floor, first floor and second floor along with projection of Mpl. Land.'

OP further added that complainant submitted Building Completion Certificate. However, on site visit premises was still found to be sealed. As premises are still sealed by MCD as such no new connection can be granted. Besides, the same there are dues pending against the premises.

OP further added that regarding the connections ought for parking the same is not feasible as parking area does not exist at site. OP also stated that BCC submitted by the complainant cannot be taken into consideration till the premises are de-sealed by competent authority. Once the premises are de-sealed and on payment of outstanding dues against the disconnected connection, new electricity connection would be granted.

Deeds 

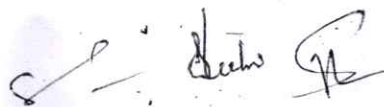
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3. L.R. of the complainant rebutted the contentions of OP as averred in their reply and submitted that regarding the MCD booking they have submitted the Building Completion Certificate issued by MCD department. It is also his submission that the building has been constructed as per building bye-laws. He further added that respondent attached photographs of another premises and the photographs are not related to the premises of the complainant because the identification of premises belongs from other property and these dues does not pertain to the complainant.
4. LR of the OP submitted that premises of the complainant have been booked by MCD and the BCC submitted by the complainant cannot be considered as the premises of the complainant are still sealed by MCD. OP mailed number of times to MCD for verification of BCC but MCD did not reply to the mails of OP.
5. From the pleading of both the parties and material placed on record it is transpired that the complainant applied for new electricity connections at property no. 2308, GF, Gali Shankar Bazar, Sita Ram, Delhi-110006 but the property is being booked by MCD vide letter no. D-331/EE(B)-II/City-S.P. Zone) dated 02.03.2021 in shape of under construction in form of Ground floor, first floor and second floor along with projection on Municipal Land. Whereas, the counsel of the complainant submitted Building Completion Certificate dated 27.01.2023. OP was given ample time to confirm the validation of the BCC issued by MCD but MCD has not responded to the mails of OP.





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6. From the perusal of record forum, also noted that the complainant applied for new connection in the Central Part of Delhi and the Sanctioned Building Plan produced on record is sanctioned Shahdara Zone.

7. 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.

8. The complainant has emphasized on the fundamental rights for claiming electricity connection. However, 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.

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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.
9. 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."
10. Therefore, rejection of complainant's applications for new electric connections at premises no. 2808, GF, Gali Shankar Bazar Sita Ram, Delhi-110006, by OP BYPL is justified and based on safety and security.


ORDER


The complaint is rejected. The Respondent has rightly rejected the application of the complainant for new connection.


The case is disposed off as above.

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


(H.S. SOHAL)
MEMBER


(NISHAT A. ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


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

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