



C A No. Appiled For
Complaint No. 03/2023

In the matter of:

Kanin Commerce Pvt. Ltd.Complainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Ms. Amita Sharma, Ms. Shweta Chaudhary & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 23rd March, 2023
Date of Order: 27th March, 2023

Order Pronounced By:- Mr. P.K. Agrawal, Member (Legal)

1. This complaint has been filed by M/s Kanin Commerce Pvt. Ltd. against BYPL-GTR.
2. The brief facts of the case giving rise to this grievance are that complainant M/s Kanin Commerce Pvt. Ltd. applied for new electricity connection vide order no. 8005928256 at premises no. 519/1/6, HF

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CGRF (BYPL)

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Dilshad Garden, Delhi, but respondent rejected his application for new connection without mentioning any specific reason. It is also his submission that at same address at ground floor one connection already exists since 2003. Therefore, complainant has prayed this Forum for grant of his complaint by issuing directions to the respondent to allow his application for new connection.

3. OP in its reply briefly stated that the complainant applied for new electricity connection vide application no 8005928256 at property bearing no. 519/1/6, FF, Dilshad Garden, Delhi. It is also their submission that applied premises was found in MCD objection list at serial no. 39 and as per objection list circulated by MCD unauthorized construction is at whole premises.

It is also their submission that electricity connection vide CA No. 100014383 at ground floor of the premises is old and the date of energization is 24.10.2003 and in terms of MCD objection list the property is booked under MCD thereafter in the year 2013.

4. Arguments of both the parties are heard.
5. Representative of the complainant submitted that as per MCD booking list the premises bearing no. 519/1 has been booked and the complainant applied for new electricity connection at premises no. 519/1/6, thus both the addresses are different therefore, OP should release his new connection. Also, property bearing no. 519/1 has multiple premises.

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6. LR of the OP submitted that it is the complainant's premises which are booked by MCD. The address in MCD list is 519/1, and the address of the complainant's premises 519/1/6, it shows that premises no. 519/1 is completely booked and complainant is having 6th part in the entire premise. Thus, the complainant is advised to submit either NOC from MCD or BCC.

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.

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.

From above discussions it is clear that complainant has applied new connection which was rejected on the pretext of premises booked under Section 343 and 344 of DMC Act vide letter no. EDMC/EE(B)-I/Sh-N/2018/D-51 dated 08.02.2018 booked for unauthorized construction.

8. Therefore, we are of the opinion that the premises have been constructed in violation of Rules and Regulations as per law. Therefore, OP cannot be compelled to release the connection.

ORDER


Complaint is rejected. Respondent 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.
Proceedings closed.



(S.R. KHAN)
MEMBER-TECH


(NISHAT AHMAD ALVI)
MEMBER-CRM


(P.K. SINGH)
CHAIRMAN

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CGRF (BYPL)


(P.K. AGRAWAL)
MEMBER-LEGAL


(H.S. SOHAL)
MEMBER