



CA No. Applied For
Complaint No. 82/2023

In the matter of:

LalitaComplainant

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)

Appearance:

1. Ms. Sakshi, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Mr. Sachin Dubey, Ms. Shweta Chaudhary & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 01st June, 2023
Date of Order: 06th June, 2023

Order Pronounced By:- Mr. P.K. Singh, Chairman

1. Present complaint has been filed by Ms. Lalita, against BYPL-YVR.
2. The brief facts of the case giving rise to this grievance are that complainant Ms. Lalita, applied for new electricity connections at premises no. 478-C, Kh. No. 91, Gali No. 2, Vijay Park, Maujpur, Delhi-110053 vide application no. 8006026874, 8006026888, 8006027938 and 8006027934.

Attested True Copy

Secretary
CGRF (BYPL)

Complaint No. 82/2023

She further added that respondent rejected her applications for new connection on pretext of premises appearing in MCD objection list, thus MCD NOC or completion cum occupancy certificate is required. Therefore, she requested the Forum to direct the respondent for release of new connections.

3. The OP in their reply briefly stated that the complainant is seeking fresh electricity connections for property bearing no. 478-C, Kh. No. 91, Gali No. 2, Vijay Park, Maujpur, Delhi-110053 vide application no. 8006026874, 8006026888, 8006027938 and 8006027934. Complainant applied for new electricity connections which were rejected as applied address was found in MCD objection list vide letter no. EE(B)-II/SH-N/2018/D-815 dated 03.07.2018 in shape of unauthorized construction. The complainant objected the same and claim that property booked is 478/2, whereas their premises is bearing no. 478-C with old address 478A.

OP further added that as per MCD list premises pertain to Sh. Rohtash Singh who is father in law of complainant. The complainant Lalita and Samiksha are wife of Kuldeep and Rahul respectively and Kuldeep and Rahul are sons of Rohtash Singh, thus the booked premises are same premises wherein new electricity connection is applied even though it is numbered as 478-C.

It is also submitted that at subjected premises earlier there was one electricity connection bearing CA No. 150059567 in the name of Rohtash Singh. It is apparent from the property documents that the applied premises is same premises which is booked by MCD and the premises that are owned by Sh. Rohtash Singh.

 2 of 5

Complaint No. 82/2023

4. The counsel of the complainant argued that it's not their premises which are booked by MCD their property address is different from the booked property, thus their electricity connections should also be released.

5. LR of the OP submitted since the building is booked by MCD therefore, new connection is not feasible and as per DERC Regulations complainant has to fulfill all the commercial formalities as required for new connection. OP further added that they cannot release the new connection to the complainant until they submits BCC from MCD. OP also added that the premises are booked in the name of father in law of the complainant.

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.

Complaint No. 82/2023

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.

As per DERC (Sixth Amendment) order, 2021 dated 15.04.2021:

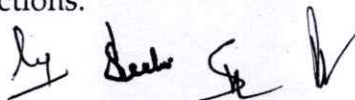
2.0(3) In case of residential buildings, for release of electricity connection the Distribution Licensee shall not insist for Fire Clearance Certificate for the residential building having height up to 15 meters without stilt parking and up to 17.5 meters with stilt parking.

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/2021/D-716 dated 11.10.2021 booked for unauthorized construction.

7. 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 connections. Since the building height is more than prescribed limit therefore, the complainant has to submit fire clearance certificate along with Building Completion Certificate for release of new connections.

Copy

Secretary
CGRF (BYPL)




Complaint No. 82/2023

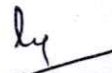
ORDER


Complaint is rejected. Respondent has rightly rejected the applications of new connection of the complainant.

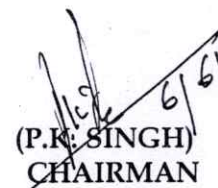
The case is disposed off as above.

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


(NISHAT A. ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN
6/6/2023

5 of 5