



C A No. Applied For
Complaint No. 121/2023

In the matter of:

Lekha SharmaComplainant

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:

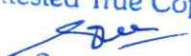
1. Mr. Shanky R.S. Gupta, A.R. of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Ms. Seema Rawat, Ms. Shweta Chaudhary & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 11th May, 2023
Date of Order: 15th May, 2023

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

1. Present complaint has been filed by Ms. Lekha Sharma, against BYPL-LNR.
2. The brief facts of the case giving rise to this grievance are that complainant Ms. Lekha Sharma, applied for new electricity connection vide request no. ONLNR2712220717 at premises no. G-248, FF, Block G, Plot No. 248, Preet Vihar, Near Mother Dairy, Delhi-92.

Attested True Copy

Secretary
CGRF (BYPL)







1 of 4

Complaint No. 121/2023

It is also her submission that respondent rejected her application for new connection on pretext of building height more than 15 meters. Therefore, she requested the Forum to direct the respondent for release of new connection.

3. The OP in their reply briefly stated that the complainant is seeking fresh electricity connection for fourth floor at property bearing no. G-248, Preet Vihar, Delhi. Complainant applied for new electricity connection vide application no. ONLNR2712220717 which was rejected as applied portion is effective fifth floor hence complainant was asked to submit architect certificate from MCD approved architect regarding that fourth floor was within the height of 15 meters.

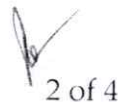
OP further added that applied building there is five dwelling units of complainant and five meters already exists bearing meter no. 17058387, 11101266, 11343576, 35421362 and 1160849. Thus, if complainant submits architect certificate then also no new connection can be provided as premises already electrified.

4. The representative of the complainant submitted Architect Certificate certifying therein that property address G-248, Block-G, Preet Vihar, Delhi in the name of Mrs. Lekha Sharma. The total height of said building from road level upto fourth floor under 15.00 meter and is accordance with the building bye-laws.
5. LR of the OP stated verbally that there are already five connections in the applied premises and the building consists of ground plus four floors thus there are five dwelling units and five electricity connections in the building.

Attested True Copy

Secretary
CGRF (BYPL)

Seal:



2 of 4

Complaint No. 132/2023

6. AR of the complainant stated verbally that one connection of 11 KW is used for lift; therefore, there is no connection at the fourth floor of the premises.

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.

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.

Attested True Copy

Secretary
CGRF (BYPL)







3 of 4

Complaint No. 132/2023

From above discussions it is clear that complainant has applied new connection at fourth floor but respondent stated that already there are five connections and five dwelling units. Representative of the complainant stated that one connection is used for lift therefore; there is no supply at the fourth floor of the building. As per respondent's version there is no connection specifically released for fourth floor. Respondent should ascertain from the K.No file for which portion they have released the connection to the complainant.


8. Therefore, we are of the opinion that the respondent should release the new electricity connection to the complainant for fourth floor.


ORDER

Complaint is allowed. The respondent is directed to release the new electricity connection to the complainant as applied for the fourth floor of the building. Regarding the objection of the respondent that there are already five connections in the building, thus respondent is free to take necessary action at their end to remove the extra meter which does not have any floor mentioned or if the connection is being used for lift purpose then the complainant should complete all the commercial formalities as per DERC Regulations 2017 for lift connection.

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

Attested True Copy


Secretary
CGRF (BYPL)