



C A No. Appiled For
Complaint No. 53/2023

In the matter of:

Manish SinghComplainant

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, Mr. Imran Siddiqi, 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 Mr. Manish Singh. against BYPL-MVR-III.
2. The brief facts of the case giving rise to this grievance are that complainant Mr. Manish Singh applied for new electricity connection vide order no. 8006051312, 8006051321, 8006051327 & 8006051344 at

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premises no. 3/373, Khicripur, Shiv Mandir, Delhi-110091, but respondent rejected his application for new connection on the pretext of building booked by MCD therefore, Building completion Certificate or Occupancy Certificate required. 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 8006051312 (3rd floor), 8006051321 (first floor) 8006051327 (ground floor) and 8006051344 (second floor) at property bearing no. 3/373, Khichripur, Shiv Mandir, Delhi-110091. It is also their submission that applied premises was found in MCD objection list at serial no. 5184 and as per the said list with letter dated 17.11.2020 of EDMC the premises were sealed and or booked for unauthorized construction.

It is also their submission that at the time of inspection it was found that building consists of ground plus four floors. The new electricity connections are provided as per electricity act and regulations framed in respect thereto i.e. Delhi electricity Regulatory commission (Supply code and Performance Standards) Regulations 2017.

4. Arguments of both the parties are heard.
5. Representative of the complainant argued that his property address is 3/373, Khichripur, whereas MCD booked premises no. 372-373, Khichripur, Near Shiv Mandir,, thus both the addresses are different therefore, its not his premises which falls under MCD objection list. He also submitted notarized GPA in his favour dated 17.06.2020 for

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property number 3/373 area measuring 22 ½ sq yards along with its whole of the structure whatsoever built up thereon with roof and upper storey construction rights, fitted with electricity and water tap connections situated at block no. 3, Khichri Pur, Delhi-110091.

6. LR of the OP submitted that it is the complainant's premises which are booked by MCD. The address in MCD list is Plot no. 372-373, block -3, Khichripur, Delhi and the address of the complainant's premises 3/373, Khichripur, Delhi it shows that both the premises are same. 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

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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.

From above discussions it is clear that complainant has applied new connection which was rejected ~~on the pretext of premises~~ ^{because the premises are} booked under Section 343 and 344 of DMC Act vide letter no. EDMC/EE(B)-I/Sh-S/2020-21/D-1436 dated 13.11.2020 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.

~~(P K SINGH)
CHAIRMAN~~


(S.R. KHAN)
MEMBER-TECH


(NISHAT AHMAD ALVI)
MEMBER-CRM


(P.K. AGRAWAL)
MEMBER-LEGAL


(H.S. SOHAL)
MEMBER

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