



Consumer Grievance Redressal Forum

FOR BSES YAMUNA POWER LIMITED

(Constituted under section 42 (5) of Indian Electricity Act. 2003)

Sub-Station Building BSES (YPL) Regd. Office Karkardooma,

Shahdara, Delhi-110032

Phone: 32978140 Fax: 22384886

E-mail: cgrfbypl@hotmail.com

SECY/CHN/015/08NKS

C A No. Applied For
Complaint No. 60/2023

In the matter of:

Navin SinghalComplainant

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. Gaurav, Mr. Nishant, Ms. Shweta Chaudhary & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 23rd March, 2023

Date of Order: 28th March, 2023

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

1. Present complaint has been filed by Mr. Navin Singhal, against BYPL-KRN.
2. The brief facts of the case giving rise to this grievance are that complainant Mr. Navin Singhal, applied for new electricity connection vide request no. 8006082591 at premises no. 8-A, Jheel Khuranja,

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CGRF (BYPL)

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Geeta Colony, Delhi-110031, but respondent rejected his application for new connection on pretext of premises appearing in MCD objection list, thus MCD NOC or completion cum occupancy certificate is required. Therefore, he 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 ground floor shop situated at property bearing no. 8-A/43, Jheel Khuranja, Geeta Colony, Delhi-110031. Complainant applied for new electricity connection vide application no. 8006082591 which was rejected as applied address was found in MCD objection list at serial no. 4 letter dated 07.02.2022. The list states 'under construction in the shape of 4 nos shutter fitting at GF and SF of remaining portion (GF, FF & hall portion at SF old) Geeta Colony'. At the time of inspection it was found that building consists of five floors.
4. The counsel of the complainant argued that respondent has released five numbers of new connections in the said property in the year 2020, 2009 and 2012. He further added that his premises do not fall under the objection list of MCD.
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 he submits BCC from MCD. They further added that released the connections prior to MCD booking and MCD booking is of the year 2022.

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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.

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.

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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-S/2022/D-127 dated 07.02.2022 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 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. File be consigned to Record Room.

(P K SINGH)
CHAIRMAN


(S.R. KHAN)
MEMBER-TECH

(P.K.AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER

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