



C A No. Applied For
Complaint No. 144/2023

In the matter of:

Niranjan Singh & Jaspal 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. Shanky R.S. Gupta, A.R. of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Ms. Amita Sharma, Ms. Shweta Chaudhary & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 22nd June, 2023
Date of Order: 26th June, 2023

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Secretary
CGRF (BYPL)

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

1. Present complaint has been filed by Mr. Niranjan Singh & Jaspal Singh, against BYPL-GTR.
2. The brief facts of the case giving rise to this grievance are that complainant Mr. Niranjan Singh & Jaspal Singh, applied for new



Complaint No. 144/2023

electricity connections at premises no. 1/2651 (portion) Ram Nagar, Street 3, Shahdara, Delhi-32, vide application no. ANGTR2907220713 and ANGTR2907220719 but respondent rejected his application for new connection due to premises booked in MCD objection, 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 ground floor and first floor on part of property bearing no. 1/2651, Gali No. 2, (claimed by complainant as gali no. 3) vide application no. ANGTR2907220713 and ANGTR2907220719 for domestic purpose. 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-1064 dated 27.07.2018 in shape of unauthorized construction of ground floor with project on MPL land. OP further added that at the time of visit it was found that building consists of ground plus two floors over it. As per the documents submitted by complainant the subject premises exist in Gali no. 2 and not in Gali No. 3 as claimed by complainant.

It is also submitted that regarding the electricity connection which already exists in same property it is submitted that the same is temporary connection which granted for construction vide CA No 350915957 in name of Niranjana Singh on ground floor on dated 04.06.2018.

2 of 5

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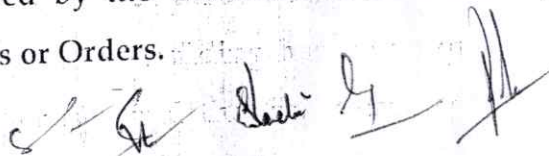
Secretary
CGRF (BYPL)

Complaint No. 144/2023

4. The counsel of the complainant argued that it's not their premises which are booked by MCD their property address falls in gali no. 3 and MCD has booked property in gali no. 2, thus their electricity connections should be released as the premises booked are entirely different.
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.
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.



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3 of 5
Secretary
CGRF (BYPL)

Complaint No. 144/2023

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.

7. 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-1064 dated 27.07.2018 booked for unauthorized construction. The booking details clearly show that the booking is done in name of the complainant Jaspal Singh who is one of the complainants in the present complaint. The contention of the complainant that his Gali no is 3 and premises booked is in Gali No. 2 does not substantiate here since the person whose name is appearing in MCD booking is same.

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

4 of 5

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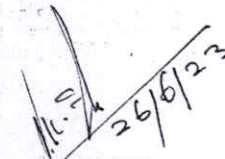
Complaint No. 144/2023


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.


(P K SINGH)
CHAIRMAN


(S.R. KHAN)
MEMBER-TECH


(NISHAT AHMAD ALVI)
MEMBER-CRM


(P.K.AGRAWAL)
MEMBER-LEGAL


(H.S. SOHAL)
MEMBER

5 of 5

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