



C A No. Applied For
Complaint No. 131/2023

In the matter of:

RambirComplainant

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. Neeraj Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Mr. Deepak Verma, Ms. Shweta Chaudhary & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 11th May, 2023

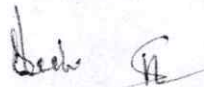
Date of Order: 15th May, 2023

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

1. The brief facts of the case giving rise to this grievance are that complainant Mr. Rambir, applied for new electricity connection vide request no. 8006161319 at premises D-622/4, GF, Kh. No. 566, Gali No. 9, Ashok Nagar, Delhi-93, but respondent rejected his application for new connection on pretext of MCD objection.

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Secretary
CGRF (BYPL)



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2. OP in its reply briefly submitted that the complainant is seeking fresh electricity connection for ground floor of property bearing no. D-622/4, Kh. No. 566, Gali No. 9, Ashok Nagar, Delhi. The application of new connection of the complainant was rejected and deficiency letter was issued for the reason as applied address was found in MCD objection list vide letter no. EE(B)-II/SH-N/2018/D-1064 dated 27.07.2018. The subjected property is mentioned at serial no. 79 and as per the objection list 'unauthorized construction is of ground floor'.
3. Counsel of the complainant rebutted the contentions of respondent as averred in their reply and submitted that he wants temporary connection on ground floor situated at D-622/4, GF, Kh. No. 566, Gali No. 9, Ashok Nagar, Delhi-93 under non-domestic category for construction purpose. He further submitted that MCD objection list mentioned under construction on ground floor, his floor was already constructed before MCD objection dated 2018. The complainant is having CA No. 101561506 on ground floor since 2005.
4. LR of the OP submitted that the premises of the complainant is booked by MCD, therefore they cannot release the new connection to the complainant and for release of new connection the complainant has to submit BCC or NOC from MCD.
5. 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

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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.

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)-II/Sh-N/2018/D-1064 dated 27.07.2018 booked for unauthorized construction.

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
6. 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.

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

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