



C A No. Applied For  
Complaint No. 160/2023

In the matter of:

Sandeep Kumar & Sucheta Verma .....Complainant

**VERSUS**

BSES Yamuna Power Limited .....Respondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmed 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 & Ms. Shweta Chaudhary, On behalf of BYPL

**ORDER**

Date of Hearing: 05<sup>th</sup> December, 2023

Date of Order: 06<sup>th</sup> December, 2023

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

1. This complaint has been filed by Mr. Sandeep Kumar & Ms. Sucheta Verma, against BYPL-GTR.
2. The brief facts of the case giving rise to this grievance are that complainant Mr. Sandeep Kumar & Ms. Sucheta Verma applied for new

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electricity connections vide request no. 8005696229, 8005696237, 8005696235, 8005696230, 8005696228 at premises no. D-6 part, Block-D, Naveen Shahdara, Delhi-110032, but respondent rejected the applications of the complainant for new connection on the pretext of building appearing in MCD objection list.

3. OP in its reply briefly stated that the complainant applied for new electricity connection vide applications no 8005696229, 8005696237, 8005696235, 8005696230, 8005696228 for various floors of property claimed to be part of property bearing no. D-6, Naveen Shahdara, Delhi. OP further added that application for the new connections were rejected due to the address of the premises for which the new electricity connections applied appearing in the objection list of EDMC as per letter no. EE (B)-II/Sh-N/2021/D-578 dated 03.08.2021, mentioned at serial no. 4, booking in the shape of deviation SBP ID No. 10079960 (also amalgamation of both properties) from stilt floor to second floor. The said booking is in the name of Sandeep Verma, Kapil Dev Verma and others. Therefore, as per DERC Regulations 2017, new connection cannot be provided to the complainant in terms of Regulation 10 of DERC Supply Code 2017.

OP further added that the complainant claims that sanctioned plans submitted are duly approved from MCD; hence, his connections should be released. To this OP stated that complainant is referring to sanction plan which are mentioned in objection list circulated by MCD. The complainant has to submit either NOC from MCD or BCC.

4. Arguments of both the parties are heard.

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5. Representative of the complainant submitted property tax receipt for the financial year 2022-23 and bank loan document for the same property. He also stated that earlier also this Forum has decided a similar matter vide C G No. 93/2023 Inder Chawla Vs BSES in which Forum vide its order dated has directed the OP to release the new electricity connection to the complainant. Against which OP has moved to Hon'ble High Court and the matter is pending in the Hon'ble High Court vide W P (C) No. 7620/2023. It was further added that the property is not amalgamated and premises can be verified by OP. He also quoted various citations of different Courts and Forums.
6. LR of the OP submitted since the building is booked by MCD therefore, new connection is not feasible.
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 5<sup>th</sup> 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;

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(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.

8. 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.

9. Heard both the parties and perused the record. From above discussions it is clear that complainant has applied five new electricity connections which were rejected on the pretext of building booked under Section 343 and 344 of DMC Act vide letter no. EE (B)-II/Sh-N/2021/D-578 dated 03.08.2021. The perusal of evidence placed on record pleadings and after hearing both the parties it is transpired that complainant asked for new connection at D-6, part, block-D, Naveen Shahdara, Dehi-110032, but respondent raised objection that the said property is booked by MCD vide order no. EE (B)-II/Sh-N/2021/D-578 dated 03.08.2021, which is clear violation of Rule 11 (2)(iv)(c) of DERC (Supply Code and Performance Standards) Regulations 2017. From perusal of the documents placed on record, it shows that the property in question came into possession of the complainant on 24.07.2020 via registered gift deed by Smt. Sanyogita Rani (mother of the complainant).

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Also, the complainant submitted bank loan document, which shows that the complainant has taken loan for property no. D-6, part, block-D, Naveen Shahdara, Dehi-110032 from Canara Bank. The complainant has also made payment of property tax for the financial year 2022-2023.

MCD in its letter no. EE (B)-II/Sh-N/2021/D-578 dated 03.08.2021, mentioned at serial no. 4, booked in the shape of deviation SBP ID No. 10079960 (also amalgamation of both properties) from stilt floor to second floor).

10. The facts of both the cases are perused thoroughly and differ from each other. In the matter of Inder Chawla Vs BSES, CG No. 93/2023, this Forum has ordered for release of the new connection because only the portion of the complainant was without electricity. BSES has released new connections to other floors of the building. The loan taken by the complainant was for constructed flat and water connection was also there.

In the present case the premises of the complainant is sub-divided property among the brothers via registered gift deed and there is no electricity connection released by OP in either of the portion. The loan released to the complainant was for construction purpose which was approved earlier and building was booked by MCD later on. There is no water/Delhi Jal Board Connection.

11. Therefore, the facts of both the cases are different and Forum is not bound to release the new electricity connection in the present case in view of above facts. For release of the new electricity connections the complainant has to file Building Completion Certificate from Municipal Corporation of Delhi.

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ORDER

Complaint is rejected. Respondent has rightly rejected the application of new connection of the complainant. However, if in future the complainant submits Building Completion Certificate, OP is directed to release him new electricity connections.


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

  
(P.K. AGRAWAL)  
MEMBER-LEGAL

  
(NISHAT AHMAD ALVI)  
MEMBER-CRM

  
(H.S. SOHAL)  
MEMBER

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