



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. 123/2023

In the matter of:

Shalu Jain .....Complainant

VERSUS

BSES Yamuna Power Limited .....Respondent

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. 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: 02<sup>nd</sup> May, 2023

Date of Order: 10<sup>th</sup> May, 2023

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

1. Present complaint has been filed by Ms. Shalu Jain, against BYPL-GTR.
2. The brief facts of the case giving rise to this grievance are that complainant Ms. Shalu Jain, applied for new electricity connection vide request no. 8004636062 at premises no. B-22/4, GT Road, Jhilmil Industrial Area, Delhi-95.

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1 of 6

Complaint No. 123/2023

It is also his case that respondent demanded for installation of transformer and the complainant agreed and handed over possession of one room for installation of transformer, and respondent installed its boxes and demanded Rs. 8,55,660/- as estimation charges from the complainant which complainant duly deposited on 06.12.2021. Thereafter, respondent asked complainant for revised estimate charges amounting to Rs. 1,63,413/- including 18% GST and this demand was also paid on 26.05.2022 but till date connection has not been released by respondent.

3. The OP in their reply briefly stated that the complainant is seeking fresh electricity connection of 250 KW i.e. HT connection at B-22/4, GT Road, Jhilmil Industrial Area, Delhi-32. Respondent received new HT connection request from the complainant on 11.11.2020 vide application no. 8004636062. The same initial deficiency letter was issued on 12.11.2020 whereby the complainant was asked to remove the deficiencies which included submission of NOC/BCC from MCD as the said property was in MCD objection list w.r.t. unauthorized construction. The complainant was also asked to submit ESS layout drawing with clear marking of space along with identify proof of signing authority as per applicable clause 6 (4) of Schedule of charges and the procedure in DERC (Supply code and Performance Standards) Regulations 2017. Complainant was also asked to submit valid factory license from DPCC.

OP further added that the complainant fulfills all other formalities apart from submitting BCC or NOC from MCD. Since the complainant insisted that respondent should further process his application and

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Complaint No. 123/2023

submitted the processing charges fully understanding that in case the deficiencies as duly detailed in the deficiency letter. The TF committee approved the 250 KW HT 11 KV connections subject to fulfillment of all conditions for grant of new connection.

The complainant submitted copy of BCC on 03.09.2021, thus respondent vide letter bearing no. DGMAKCC/BS-7303/2021-22/8631 dated 15.09.2021 asked complainant to complete remaining formalities which complainant completed on 23.09.2021.

In the meantime, respondent received communication from Executive Engineer (Building) EDMC, Nodal Officer on 04.02.2022, whereby respondent is asked not to consider BCC in respect of B-22, Jhilmil Industrial Area for providing new electricity connection. A letter was issued to complainant on 09.02.2022 whereby the complainant was asked to complete the remaining commercial formalities.

4. The counsel of the complainant rebutted the contentions of respondent as averred in their reply and submitted that respondent has released connections to many other consumers who also submitted BCC from the de-barred architect. It is further submitted that complainant has deposited an amount of Rs. 8,55,660/- as share of estimated value out of total estimate cost of Rs. 14,39,541/- as the respondent was made to bear the cost of Rs. 5,83,881/- and Rs. 1,63,413/- in May 2022, which comes total of Rs. 10,19,073/- by the way of NEFT to the respondent. The respondent returned Rs. 2,90,334/- on 28.09.2022, due to the excess amount. Complainant denied that respondent neither demanded the amount of Rs. 12,10,500/- as security deposit nor issued any letter in this regard. The complainant also submitted that he suffered huge loss in his

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CGRF (BYPL)





3 of 6

Complaint No. 123/2023

business due to deficiency on the part of the respondent and asked for compensation for harassment mentally, physically and financially due to delay in release of new connection even after payment of all the requisite amount for installation of ESS and completion of other commercial formalities.

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 on panel Architect of 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 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;

(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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Complaint No. 123/2023

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.

A similar matter of Sandip Bhutani and Anil Bhutani of the same premises B-22 and B-36 was already decided by this Forum vide CG No. 05/2022 order dated 26.05.2022 in which Forum directed the respondent to release the connections to the complainant on filing No objection Certificate from EDMC. Against the orders of the Forum, the complainant approached the Hon'ble Ombudsman and Hon'ble Ombudsman upheld the orders of the Forum rejected the application of the complainant stating that it is apparent that subsequent to submission of completion-cum-occupancy certifies, EDMC via mail has requested the respondent not to release the connections.

Hon'ble Ombudsman also held that appellant cannot base his argument on the wrong done (if any) by the respondent in the past and insist on doing another wrong. In a recent case of Ms. Azra Vs State (GNCT of Delhi), the Delhi High Court has dealt with the issue in their judgment dated 06.02.2022 WP(C) 2453/2019, as :-

"however, merely because some of the occupants of the building have wrongly been given an electricity connection, it cannot be a ground for the court to direct respondents no. 2 and 3 to further compound the

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Complaint No. 123/2023

wrong act and direct granting of a new electricity connection to the premises of the petition which is located in a building whose height is more than 15 meters.”


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

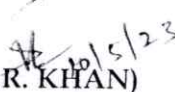
Complaint is rejected. Respondent has rightly rejected the application of new connection of the complainant.

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.

  
(NISHAT A. ALVI)  
MEMBER (CRM)

(P.K. AGRAWAL)  
MEMBER (LEGAL)

  
(S.R. KHAN)  
MEMBER (TECH.)

  
(P.K. SINGH)  
CHAIRMAN

6 of 6

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