



C A No. Applied For
Complaint No. 462/2023

In the matter of:

Ved Prakash & OthersComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

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 (Tech.)
5. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Neeraj Kuamr, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. Sachin Dubey, Ms. Chhavi Rani & Mr. Akshat Aggarwal, on behalf of respondent.

ORDER

Date of Hearing: 27th February, 2024
Date of Order: 04th March, 2024

Order Pronounced By :- Nishat A Alvi, Member (CRM)

1. The complaint has been filed by Ved Prakash & Others against BYPL- Yamuna Vihar. The brief facts of the case giving rise to this grievance are that Ved Prakash & Others applied for new connection vide request no. 8006634321 and 8006634327 at premises no. H. No. C-23, GF, Kh. No. 344, Gali No. 3, North Ghonda, Dlehi-110053 but respondent rejected the

Dear Sir

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for Akshat
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CGRF (BYPL)

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application of the complainant for new connection on the pretext of same site sealing drive objection, mismatch between applied address and existing meter bill address. Connection already exists vide CA No. 11933110 without any floor mentioned in bill.

2. OP in its reply briefly stated that the complainant is seeking new electricity connection vide request no. 8006634321 and 8006634327 on ground floor for domestic purpose and on second floor for non-domestic purpose premises no. C-23, Kh. No. 344, Gali no. 3, North Gonda, Delhi-110053. Op further added that the vakalatnama filed alongwith the complaint is signed only by Sh. Ved Prakash and hence present complaint is in respect of request no. 800634327 is not maintainable.

The site was visited and it was found that the building consists of ground plus two floors over it. On the ground floor domestic activity and on the first and second floor commercial activity was found.

Reply also added that in respect of application no. 8006634321 which is for ground floor DX connection, the said premises already has one domestic meter 11933110 in the name of Sujan Chand Sharma without any floor mentioned on it. Hence, same is taken to be granted for Ground floor. The said connection has billing address as village Ghonda, Shahdara, Delhi whereas applied address is C-23, KH. No. 344, Gali No. 3, North Gonda, Delhi-110053, thus consumer is advised to get the name change and billing address rectification in respect of existing connection.

In respect of application no. 8006634327 which is for second floor NX connection, OP has received letter dated 28.02.2018 from factory licensing department of MCD alongwith list of properties running unauthorized units. The subject property is appearing at serial no. 88 of the said list wherein it is mentioned that at premises is used for manufacturing of cycle parts.

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In terms of letter dated 28.02.2018, no industrial unit/trade can be permitted to run in residential/non-confirming area without the permission of competent authority. On site visit it was found that still the manufacturing of cycle parts is being carried out from the subject premises. For release of new connection under commercial category the complainant has to file DPCC certificate. OP also added that the applied address is booked by MCD. The MCD list bearing no. AO/FL/EDMC/2018/D-69 were circulated and as such no new connection can be granted till the complainant produces Completion and Occupancy Certificate or NOC in lieu thereof.

3. In response to the reply of OP, the complainant filed rejoinder stating that there is no floor mentioned in MCD list and he is using the premise for godown purpose and only toys and dolls part in bulk form are purchased directly from factory and kept in the applied premises. There is no machinery in the premise therefore; there is no need of DPCC required.
4. Heard both the parties at length and perused the record.
5. From the narration of facts and material placed before us we find that as per the reply of OP, on ground floor already a domestic connection is installed vide meter no. 11933110 in the name of Sugan Chand Sharma connection of the complainant can't be granted as it shall become second connection in one dwelling unit which the relevant ^{provision} ~~portion~~ of Regulation ²⁷ 2017 of Supply Code does not permit. Regarding the other connection asked for at the second floor of the premises, since same is booked by MCD vide letter no. AO/FL/EDMC/2018/D-69, therefore, the complainant has to file DPCC certificate and BCC or NOC from MCD for release of new electricity connections as applied for.

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*for
Bharat*

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6. The complainant has emphasized on the fundamental rights for claiming electricity connection. However, 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. Further as on ground floor only one dwelling unit exists where admittedly one connection already exists. Hence no other connection can be granted as per relevant provisions of the Supply Code of 2017 on this floor. Regarding second floor connection there is no denial of MCD objection by the complainant. Only excuse is that no floor is mentioned in the said list which is not a cogent reason. Hence NOC/BCC is must for grant of new connection. Further as factory licensing department of MCD has specifically listed the applied premises as premises used for manufacturing of cycle parts. It is only on production of NOC from DPCC and affidavit on behalf of complaint that he will not use the premises for manufacturing cycle parts, that connection can be granted on the second floor.

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Now as on date no BCC/NOC from MCD and NOC from DPCC is produced, complainant is not entitled for the connection applied for on the second floor of the premises. Objection of authority on behalf of second complainant is not correct as he has signed vakaltnama in favour of his counsel alongwith complainant no. 1.

ORDER

The complaint is not maintainable as there is already a connection on ground floor, having single dwelling unit and for want of BCC/NOC of MCD and NOC from DPCC to the effect that the commercial unit on second floor is non-polluting unit. Accordingly, the complaint is dismissed.

No order as to the cost. Both the parties should be informed accordingly.


(S.R. KHAN)
MEMBER -TECH



(P.K. SINGH)
CHAIRMAN


(P.K. AGRAWAL)
MEMBER -LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER

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