



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

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SECY/CHN 015/08NKS

C A No. Applied For
Complaint No. 426/2023

In the matter of:

WaniyaComplainant

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. Imran Siddiqui, Counsel of the complainant
2. Mr. R.S. Bisht, Ms. Shweta Chaudhary & Ms. Chhavi Rani, On behalf of BYPL

ORDER

Date of Hearing: 16th January, 2024

Date of Order: 23rd January, 2024

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

1. The brief facts of the case giving rise to this grievance are that complainant Ms. Waniya applied for new connection vide application no. 8006517641 at premises no. 1688, 3rd floor, ward no. IX, Gali Sayeddan, Pahari Bhola, Delhi-110006 but respondent rejected her application for new connection on the pretext of requirement NOC from MCD or completion cum occupancy certificate required.

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Secretary
CGRF (BYPL)

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2. OP in its reply briefly submitted that complainant is seeking fresh electricity connections in respect of third floor at property bearing no. 1688, ward no. IX, Gali Sayeddan, Pahari Bhojla, Delhi-110006 via application no. 8006517641. Deficiency letter was issued for the reason as applied address was found in MCD objection list vide letter no. D-254/EE(B)/City-S.P. Zone/2018 dated 03.07.2018 which was received in the office of respondent on 12.01.2023. The subjected property is mentioned at serial no. 343, in the shape of unauthorized construction is in the shape of GF, FF, SF & TF.

Regarding existing connections the said connections were granted in year 2021-22 and MCD objection list was received by respondent on 12.01.2023. The details of existing connection are as under:-

S.No.	CA no.	DOE	Floor	Category
1	153815453	16.06.2022	GF	Non-domestic
2	153782234	20.05.2022	GF	Domestic
3	153696592	28.02.2022	FF	Domestic
4	153815488	08.06.2022	FF	Domestic
5	153696592	28.02.2022	FF	Domestic
6	153500276	29.09.2021	FF	Domestic
7	153524840	23.10.2021	SF	Domestic
8	153712369	28.03.2022	SF	Domestic
9	153815486	08.06.2022	3 rd F	Domestic
10	153716504	17.03.2022	3 rd F	Domestic
11	153500278	29.09.2021	3 rd F	Domestic
12	153612574	27.12.2021	4 th F	Domestic

Reply further stated that in terms of Regulation 10, new electricity connection can be provided on applicant filing the duly filled forms for the new application connection as duly approved by DERC. As per the said form the applicant undertakes that the building has been constructed as per prevalent building bye-laws. Thus in the case the premises is booked by MCD, then prime facie the said undertaking is false and accordingly in such cases applicant is asked to submit either the NOC from MCD or BCC.

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CGRF (BYPL)

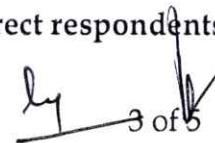
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3. Counsel of the complainant filed rejoinder refuting therein the contentions of the respondent as averred in their reply and denied the contention of the OP that they have received the MCD objection list on 12.01.2023. The MCD booking list is of year 2018 and they have released many new connections in the applied premises after 2018.
4. Arguments of both the parties are heard at length.
5. We have gone through the submissions of both the parties and from the perusal of the documents placed on record it is transpired that it is the same premise which is booked by MCD and where the complainant has applied for new electricity connection. Therefore, new connection of the complainant cannot be granted as the premises are booked by MCD and for release of new electricity connection the complainant has to file Building Completion Certificate from MCD.
6. Regarding the objection of the counsel of the complainant that OP has released other connections in the building where he has applied for new connection after MCD booking, therefore, he should also be granted new connection.
7. In this regard, Hon'ble Delhi High Court in the case of W.P. (c) 2453/2019 has held "However, merely because some of the occupants of the building have wrongly been given an electricity connection, it cannot be ground for the court to direct respondents'



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no. 2 and 3 to further compound the wrong act and direct granting of a new electricity connection to the premises of the petition which is located in the building whose height is more than 15 meters.”



The Supreme Court of India in the matter WP(C) 4677/1985 (M C Mehta Vs UOI) vide order dated 24.04.2018, expressed its concern on constructions in unauthorized colonies, and directed that construction activity be stopped with immediate effect. Concerned authorities were directed to ensure compliance and a task force was constituted for removal of encroachment and unauthorized construction and implementation of bye-laws.

The Supreme Court in the matter “Supertech Vs emerald Court Owners Resident Welfare Association (2021) 10 SCC I observed that unauthorized construction destroys the concept of planned development and places unbearable burden on basic amenities provided by local authorities. It was imperative for the public authorities to not only demolish such construction but also to impose a penalty on wrong doers involved.

As far as, against the provision of law, OP has given any connection in MCD booked portions, it will be sole responsibility of the Discom only.

Therefore, OP has rightly rejected the applications of the complainant of new connections.

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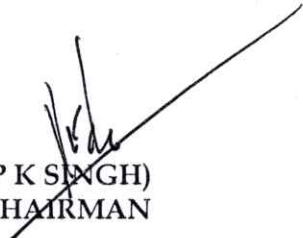
ORDER


Complaint is rejected. Respondent has rightly rejected the application of the complainant for new 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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CGRF (BYPL)