



C A No. Applied For
Complaint No. 452/2023

In the matter of:

ShuaibComplainant

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. Imran Ul Haq Siddiqui, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S Bisht & Mr. Akshat Aggarwal, on behalf of respondent

ORDER

Date of Hearing: 04th April, 2024
Date of Order: 15th April, 2024

Order Pronounced By:- Mr. H.S. Sohal, Member

1. The complaint has been filed by Mr. Shuaib against BYPL-Yamuna Vihar. The brief facts of the case giving rise to this grievance are that Mr. Wasim applied for new electricity connection vide request no. 8006594864 at premises no. 12-A/159, S/F, Back Side, Kh No-256, Gali no-13, Vijay Mohalla, Maujpur, Delhi-110053, but respondent rejected

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CGRF (BYPL)

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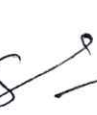

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the application of the complainant for new connection on the pretext of address appearing in MCD Objection list, but complainant stated that there are already so many connections installed in the same building. Therefore he requested the forum to direct the respondent for release of new connection.

2. OP in its reply briefly stated that the complainant is seeking a new electricity connection under the domestic category for the second floor of property bearing no. 12-A/159, Gali No. 13, Kh No-256, Vijay Mohalla, Maujpur, Delhi-110053, vide request no. 8006594864. At the time of inspection it was found that the building is booked by the MCD for unauthorized construction and appearing at serial no. 19, of MCD objection list bearing no. EE(B)-II/Sh-N/2021/D-617 dated 23.08.2021 in the name of Ms. Jamella and in the shape of GF, FF, SF and TF with projection on Mpl. Land = area 50 sq yards.

Reply also stated that electricity connection bearing CA No. 151005872 is registered in the name of Ms. Jameela for ground floor of the same subject premises and as such booked premises is same premise as mentioned in MCD list.

OP further added that the complainant had earlier approached the Forum and sought same relief vide CA No. 24/2023 and said case was dismissed due to non-appearance of the complainant on three consecutive hearings. Five electricity connections installed in the premises were prior to year 2014. Regarding two electricity connections which were provided in October 2021 and May 2022, disconnection notices stands issued. Thus in case the premises are booked by MCD then the complainant has to file BCC or NOC for release of new electricity connection.

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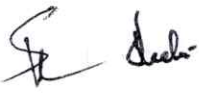


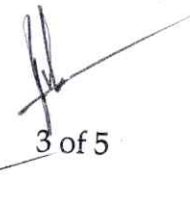
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3. In response to the reply the complainant filed rejoinder. The complainant has applied new electricity a connection was applied at second floor of the premises bearing no. 12 -A/ 159, gali no 2, Kasra no 256 Vijay Mohalla. He denied the contention of OP that the address of the complainant is found in MCD objection list dated 23.08.2021, as property of the complainant is an old building and address of the building mentioned in the MCD objection list is different from the address of the complainant premises. The address of the complainant building is 12 -A/ 159, gali no 2, Kasra no 256 Vijay Mohalla, premises, however, the address mentioned in the MCD objection list serial no 19 is - 12/159, gali no 13, Vijay Mohalla, Near pole no 676, Maujpur, Delhi, both address differ from each other. Regarding the name Jameela, he submitted that it is common name of Muslim ladies.
4. Heard both the parties and perused the record.
5. From the narration of facts and material placed before us we find that the address in the MCD list is 12/159, Gali No. 13, Vijay Mohalla, Near pole no. 676, Maujpur, Delhi whereas the address of the complainant where he has applied for new electricity connection is 12-A/159, Gali No. 13, Khasra No. 256, Vijay Mohalla, Maujpur, Delhi. The MCD booked premises is in front of pole no. 676 whereas the nearest pole to the complainant's premises is y064. From the site visit report submitted by OP it is clear that pole no. 676 and y064 both numbers are engraved on same pole. Thus, it is very much clear that the premise of the complainant is booked by MCD.

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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 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.

7. 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.

8. Counsel of the complainant on dated 09.04.2024, submitted an affidavit declaring that his property number where he has applied for new electricity connection is 12-A/159, which is different from MCD

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booked property 12/159. The counsel of the complainant did not file and other documentary evidence in support of his contentions, therefore, this affidavit cannot be relied upon.


9. Thus, in view of above, we are of considered opinion that the new connections applied by the complainant cannot be granted. For release of the new electricity connections the complainant has to file Building Completion Certificate from Municipal Corporation of Delhi.

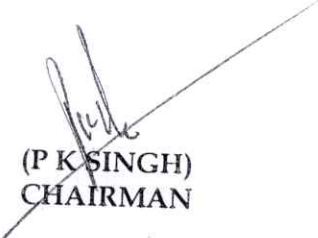
ORDER

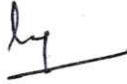
Complaint is rejected. Respondent has rightly rejected the application of new connection of the complainant. However, if in future the complainant submits Building Completion Certificate, OP should to release him new electricity connection, subject to fulfilling any other required formalities.

The case is disposed off as above.


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


(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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