



C A No. Applied For
Complaint No. 43/2021

In the matter of:

Gaurav Garg

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. Arun P Singh (Chairman)
2. Mrs. Vinay Singh, Member (Legal)
3. Dr. Harshali Kaur, Member (CRM)

Appearance:

1. Mr. Vinod Kumar, Counsel for the complainant
2. Mr. Imran Siddiqi, On behalf of BYPL

ORDER

Date of Hearing: 18th June, 2021

Date of Order: 21st June, 2021

Order Pronounced by:- Mrs. Vinay Singh, Member (Legal)

Briefly stated facts of the case are that the complainant applied for new electricity connection but the respondent company rejected his application for new connection on baseless grounds.

It is also his submission that he applied for new connection vide order no. 8004773272 dated 05.02.2021, in his name at premises no. 191, third floor, block-F, laxmi Nagar, Delhi-92. But the respondent company rejected his application

Harshali Kaur
Imran Siddiqi
Vinay Singh
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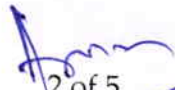
for new connection on the pretext of site under construction, domestic connection already exists, building height more than 15 meters, address in objection list, improper clearance or encroachment. He denied all the objections of the respondent and requested the Forum to direct the respondent company for immediate release of the connection.

Notices were issued to both the parties to appear before the forum on 25.03.2021.

The respondent company submitted their reply stating therein that the complainant applied for new electricity connections for commercial use vide order no. 8004773223, 8004773254, 8004773258, 8004773266 and 8004773272. While processing for the said new connections the height of the building was found to be 15.20 meter and as per rule building without stilt parking and with building height more than 15 meters or more, a fire clearance certificate is required.

The matter was listed for hearing on 25.03.2021, when respondent submitted that building height is more than 15 meters, required No Objection Certificate from EDMC and one temporary connection already exists at site. Counsel of the complainant stated that construction of site is completed. Counsel of the complainant is directed to produce architect map of registered architect and No Objection Certificate from EDMC.

On hearing dated 12.04.2021, the counsel of the complainant sought more time for filing NOC from EDMC. Counsel for the complainant also submitted that the premise where connection is sought was visited by the officials of the


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respondent. The respondent was directed to file the site inspection report. Complainant was given last opportunity to file the architect map.

Due to an upsurge in Covid-19 second wave hearings in the Forum could not be conducted during the period 20.04.2021 to 10.06.2021.

The respondent submitted site visit report dated 16.06.2021, showing the layout of the building of the complainant. It was also mentioned in the site visit report that building is G+4, building height 15.20 meters, one commercial meter at site, pole touching the building and no proper parking available.

The complainant also submitted copy of his RTI application which he has submitted in the EDMC office and also submitted a letter mentioning therein that there is a pole in the middle of his property and requesting the Forum to direct respondent for shifting the same. He also stated that he is ready to pay the shifting charges also.

The matter was finally heard on 18.06.2021, when counsel of the complainant is present and submitted that they have applied for NOC through RTI but has not received any clarification from the Municipal Department. The complainant has not submitted architect map of the premises. Arguments of both the parties were heard and matter was reserved for orders.

The main issue in the present case is whether the connection can be released to the complainant or not.


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We have gone through the submissions made by both the parties. From the narration of facts and material placed before us we find that the complainant applied for new domestic connection which the respondent company rejected. The respondent company rejected the application of new connection of the complainant on the grounds that the building height is more than 15 meter, address is in MCD objection list, improper clearance or encroachment.

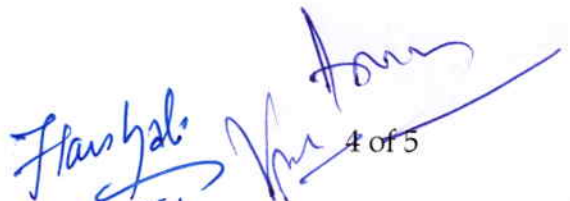
During the course of hearings in the Forum the complainant was asked to file the architect map of the building from a registered architect and also No Objection Certificate from the EDMC. But the complainant failed to provide all the documents asked to him.

The complainant submitted an application stating therein that there is a pole in middle of his building and he is ready to pay the cost of shifting of the said pole.

In view of the above, we are of the considered opinion that the complainant failed to provide the documents asked from him for the release of new connection. In the absence of the NOC from the EDMC and architect map from a registered architect, at present forum is unable to give any relief to the complainant.

Therefore, the Forum directs the respondent as under:-

- That the respondent is advised to release the connection to the complainant when the complainant fulfills all the required commercial formalities as per DERC Guidelines and also submits NOC from EDMC and architect map.


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- The respondent is also directed to explore the possibility of shifting of pole to a safer corner of the building and provide estimate of shifting of pole to the complainant, as the complainant is willing to pay the shifting charges.

The case is disposed off as above.


No order as to the cost. A copy of this order be sent to both the parties and file be consigned to record room thereafter.

The order is issued under the seal of CGRF.

The compliance should be reported within 30 days. The order is issued under the seal of Consumer Grievance Redressal Forum (BYPL).


(HARSHALI KAUR)
MEMBER (CRM)


(VINAY SINGH)
MEMBER (LAW)


(ARUN P SINGH)
CHAIRMAN