



C A No. Applied For
Complaint No. 31/2021

In the matter of:

Naveen AroraComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Naveen Arora, Complainant
2. Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

Date of Hearing: 19th April, 2021

Date of Order: 15th May, 2021

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

Briefly stated facts of the case are that the complainant applied for new connection and the respondent did not release the new connection.

It is also his submission that he purchased shop no. 352-B, Gali No. 9 Ground Floor, Mani Ram Mandir Road, Bhola Nath Nagar, Shahdara, Delhi-110032 in the year 2015. Now on 13.12.2020, he applied for new connection vide application no. 8004678596 which the respondent rejected on the pretext of "building height more than 15 meters, as per DERC Guidelines Fire Clearance Certificate is required and also address in MCD objection list."

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Ms. Vinay Singh

Complaint No. 31/2021

The deficiency letter of the respondent also states that there are pending energy dues amounting to Rs. 39,986/- against CA No. 100819606. Therefore, he requested the Forum to direct the respondent company for immediate release of the new connection.

Notices were issued to both the parties to appear before the forum on 19.03.2021.

The respondent company submitted their reply stating therein that the complainant applied for new electricity connection vide order no. 8004678596 at H.No. 352-B, Gali No. 9, Bhola Nath Nagar, Ground Floor, Shahadra, Delh-110032 on 13.12.2020. Respondent further added that during site visit, it was found that height of the building wherein the new electricity connection applied by the complainant is 15.80 meters having ground + 4 floors, commercial activity also exists. In terms of Supply Code 2017, a fire clearance certificate is required.

Apart from the said objection the respondent also rejected the application of new connection of the complainant as the premises where new connection is applied is appearing in the objection list of EDMC. Moreover, there are outstanding dues against the said premises and as per Regulations 10 and 11 of DERC Supply Code 2017, it is mandatory to clear the outstanding electricity dues for release of new connection.

The matter was listed for hearing on 19.03.2021, when complainant submitted a letter issued by EDMC, where it is mentioned that EDMC has no issue if BSES provide electricity connection on the said property where complainant applied for new connection. Forum directed that a joint inspection should be conducted at site of the complainant clearly mentioning all the issues and the status of the connection having CA No. 100726935, reportedly released of 19.09.2020 by the respondent. Respondent clarified that the dues issue has been resolved and there is no dues to be claimed for release of connection.

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Forum
2 of 4

Complaint No. 31/2021

The respondent submitted their site visit report stating therein that the meter installed against CA No. 100726935 was only case of meter change which was done on 19.09.2020 and the connection was energized in the year 2000. Respondent also submitted copy of bill and meter changing report.

The matter was again heard on 06.04.2021, when joint inspection report was submitted. Complainant was directed to file architecture map of registered architect regarding building height. Respondent raised objection regarding EDMC certificate. Respondent was directed to visit EDMC office and verify the same and file a report of next date of hearing.

The respondent submitted their mail dated 16.04.2021, submitting therein the reply received from EDMC office. The reply of the EDMC is quoted below:

With reference to the clarification the report in respect of property no. 352/B, Gali No. 9-10, Bhol Nath Nagar, Delhi is as under:

- i). This property is lying sealed as per record of EDMC.*
 - ii). Attached letter dated 06.02.2020, under the signature of Office-in-Charge (Building), Shahdara, South Zone had not been issued from the office of Executive Engineer (building-I), shahdara, South Zone, EDMC. Moreover, signature of Office-In-Charge seems to be fake.*
 - iii). Inquiry has been set up in the instant matter.*
- The property does not qualify for new electricity connection.*

The matter was finally heard on 19.04.2021, when 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.

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 clearance of

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3 of 4

Complaint No. 31/2021

EDMC submitted by the complainant is fake as per the mail of the respondent dated 16.04.2021. We also found that the complainant applied for new commercial connection and as per sixth amendment of DERC regarding electricity connection in high rise building, the said amendment is regarding domestic connections only.

In view of the above, we are of the considered opinion that for release of new connection the complainant has to obtain true, genuine NOC from EDMC office and also submit the architect map from a registered architect regarding height of the building is less than 15 meters.

Therefore, we direct:-

That the respondent is directed to release the connection to the complainant once the complainant fulfills the requirement of DERC Supply Code 2017 for release of new connection.

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).


Sd/-
(HARSHALI KAUR)
MEMBER (CRM)


Sd/-
(VINAY SINGH)
MEMBER (LAW)


Sd/-
(ARUN P SINGH)
CHAIRMAN