

**CA No. Appiled For**  
**Complaint No. 225/2022**

**In the matter of:**

Aabda Qureshi .....Complainant

**VERSUS**

BSES Yamuna Power Limited .....Respondent

**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 (Technical)
5. Mr. H.S. Sohal, Member

**Appearance:**

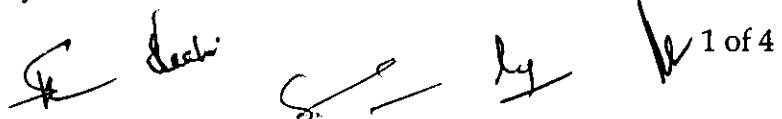
1. Mr. Iqbal Quresh, A.R. of the complainant
2. Ms. Ritu Gupta, Mr. Imran Siddiqi, Ms. Shweta Chaudhary & Ms. Divya Sharma, On behalf of BYPL

**ORDER**

Date of Hearing: 23<sup>rd</sup> February, 2023  
Date of Order: 27<sup>th</sup> February, 2023

**Order Pronounced By:- Mr. P.K. Agrawal, Member (Legal)**

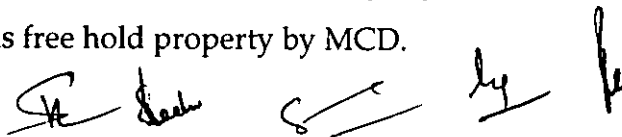
1. This complaint has been filed by Ms. Aabda Qureshi against BYPL-PHG.
2. The brief facts of the case giving rise to this grievance are that complainant Ms. Aabda Qureshi lives at premises no. 1261, 2<sup>nd</sup> floor, Fyaz Ganj, Bahadur Garh Road, Azad Market, Delhi-110006 and applied for new electricity connection vide order no. 8005329143 on dated

  
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03.12.2021 but respondent rejected her application for new connection on pretext of premises booked by MCD. It is also her submission that at same address respondent has installed a meter on 2<sup>nd</sup> floor vide CA No. 153116828 on 18.08.2020 where the premises was booked by MCD in the year 2019. Therefore, complainant has prayed this Forum for grant of her complaint by issuing directions to the respondent to allow her application for new connection.

3. OP in its reply briefly stated that the complainant applied for new electricity connection vide application no 8005329143 at House no. 1261, 2<sup>nd</sup> floor, Fyaz Ganj, Bahadur Garh Road, Azad Market, Delhi-110006. It is also their submission that there are two dwelling units at second floor of subject property and both are already electrified through electricity connections bearing meter no. 35613967 and 70031300, as the premises are already electrified as such no new connection can be provided. OP further added that application for the new connections against applications were rejected due to being the address of the premises for which the new electricity connections applied appearing in the objection list of EDMC as per letter no. D-736/SE/CSPZ/2018 dated 28.11.18 has booked for unauthorized construction with remarks of U/C in the shape of ground floor, first floor, second floor, third floor and fourth floor with projection on MPL land.
4. Arguments of both the parties are heard.
5. Representative of the complainant submitted that there is no connection in his applied portion. Connection against meter no. 35613967 in the name of Mohd. Mohsin s/o Mohd Shafi does not exist in her portion. He further submitted that meter no. 70031300 also does not exist in the said premises. It is also his submission that property no. 1261 is situated in ward no. XII and is free hold property by MCD.

  
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6. LR of the OP submitted that free hold of property has nothing to do with MCD booking. Since the building is booked by MCD therefore, new connection is not feasible. They further submitted that already two connections are installed there and there is no separate dwelling unit.

7. 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.

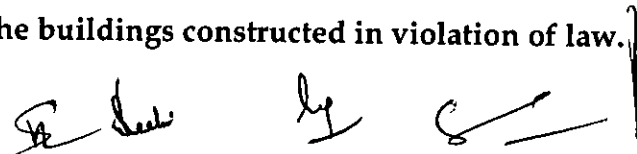
Performa for new connection has been provided in DERC (Supply Code and Performance Standards) Regulations 2017 as annexure 1, seven declarations are required as per performa and in this case 5<sup>th</sup> one is important "that the building has been constructed as per prevalence building bye-laws and 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.

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.

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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. From above discussions it is clear that complainant has applied new connection which was rejected on the pretext of premises booked under Section 343 and 344 of DMC Act vide letter no. D-736/SE/CSPZ/2018 dated 28.11.18. Booked for unauthorized construction with remarks of U/C in the shape of ground floor, first floor, second floor, third floor and fourth floor with projection on MPL land.
9. Therefore, we are of the opinion that the premises have been constructed in violation of Rules and Regulations as per law. Therefore, OP cannot be compelled to release the connection.

ORDER


Complaint is rejected. Respondent has rightly rejected the application of new connection of the complainant.

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

  
(NISHAT AHMAD ALVI)  
MEMBER-CRM

  
(P.K. AGRAWAL)  
MEMBER-LEGAL

  
(H.S. SOHAL)  
MEMBER