

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

Phone: 32978140 Fax: 22384886

E-mail: cgrfbypl@hotmail.com

SECY/CHN 01508NKS

C A No. Appiled For Complaint No. 21/2023

In the matter of:

Anju Dheeman

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P.K. Singh, Chairmān
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. Mohd Afsar, A.R. of the complainant
2. Ms. Ritu Gupta, Ms. Shweta Chaudhary & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 10th March, 2023

Date of Order: 13th March, 2023

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

Attested True Copy
[Signature]
Secretary
CGRF (BYPL)

1. This complaint has been filed by Ms. Anju Dheeman against BYPL-LNR.
2. The brief facts of the case giving rise to this grievance are that complainant Ms. Anju Dheeman applied for new electricity connection vide order no. 8006032951 at premises no. 33-A, Ganesh Nagar Extension, Shakarpur, Delhi-92, but respondent rejected her application

[Signature] *[Signature]* *[Signature]* 1 of 4

Complaint No. 21/2023

for new connection on pretext of premises booked by MCD. It is also her submission that at same address two meters are already installed since 1987 and 2013. She further added that its and old construction so same cannot be booked by MCD. 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 8006032951 at fourth floor of property bearing no. 33-A, Ganesh Nagar-II extension, Shakarpur, Laxmi Nagar, Delhi-92. It is also their submission that complainant vide letter dated 25.11.2022 was informed to submit NOC or Building Completion Certificate for the subject premises as same is appearing in MCD objection list. OP further added that applied floor is fourth floor therefore fire certificate is also required.

OP further added that site of the complainant was also visited and same was found locked contact number given by complainant was not reachable, consumer was stated to be out of station, premises were locked and it was stated by neighbors that there is ownership dispute.

4. Arguments of both the parties are heard.
5. Representative of the complainant submitted that the applied portion is different from the booked portion, therefore, they may be granted new connection.
6. LR of the OP submitted that it is the complainant's premises which are booked by MCD. The address of the complainant in MCD list is 33-A, Ganesh Nagar-II extension Shakarpur, and the complainant applied for new connection at premises no. 33-A, Ganesh Nagar Extension, Shakarpur, Delhi-92.

Attested True Copy
Secretary
CGRF (BYPL)

[Handwritten signature]

[Handwritten signature]

Complaint No. 21/2023

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 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.

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.

Seal

ly

3 of 4
Attested True Copy
Secretary
CGRF (BYPL)

Complaint No. 21/2023

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. EE(B)-III/Sh-S/2020/D-302 dated 14.07.2020 booked for unauthorized construction with remarks of U/C in the shape of ground floor, first floor, second floor, construction of brick work.
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.

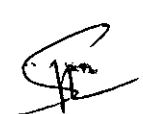
ORDER

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

4 of 4

Attested True Copy
Secretary
CGRF (BYPL)