



**C A No. Applied For**  
**Complaint No. 243/2023**

**In the matter of:**

Manu Sharma

.....Complainant

**VERSUS**

BSES Yamuna Power Limited

.....Respondent

**Quorum:**

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat A Alvi, Member (CRM)
3. Mr. P.K. Agrawal, Member (Legal)
4. Mr. S.R. Khan, Member (Technical)
5. Mr. H.E. Sohal, Member

**Appearance:**

1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Ms. Shweta Chaudhary & Ms. Chhavi Rani, On behalf of BYPL

**ORDER**

Date of Hearing: 14<sup>th</sup> September, 2023

Date of Order: 18<sup>th</sup> September, 2023

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

1. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connection vide request no. 8006229030, 8006229019, 8006229011 and 8006229006 on 22.03.2023 at premises no. 4430, 4434 and 4438, SF ward no. XI, Sachdeva Lane, 7/38, Darya Ganj, Delhi-110006.

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Secretary  
CGRF (BYPL)



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He further added that OP rejected his application for new connection on pretext of building booked by MCD vide deficiency letter dated 01.04.2023. Thereafter, complainant submitted sanctioned plan with BCC issued by MCD on 12.04.2023, but OP didn't release connection.

2. OP in its reply on 06.07.2023 submitted that the complainant is seeking four new electricity connections for various floors of property bearing no. 4430, 4434 & 4438, ward no. XI, Sachdeva Lane, 7/38, Daryaganj, Delhi-110006. The applied address was found in MCD objection list which was circulated by MCD vide letter no. D/513-AE(bldg)III/Central Zone/2021 dated 26.10.2021. As per the said list unauthorized construction is in the shape basement, ground floor to third floor. Accordingly, the complainant was asked to submit NOC or BCC from MCD. Besides the issue of MCD, the complainant is required to submit fire safety clearance certificate, get the temporary meter removed and clear the outstanding dues.

OP further added that the complainant submitted Building Completion Certificate along with map. The Map submitted by the complainant is not as per the site condition. The total plot area as mentioned in the map is different from what is mentioned in sale deed. In sale deed the area mentioned is 22.038 square meters but as per map submitted total area is 38.19 sq meters.

3. Counsel of the complainant on 06.07.2023 submitted a copy of e-mail from MCD confirming issue of BCC, but OP wanted to verify it.
4. OP sought adjournment on 5 (five) hearings for verification of BCC and e-mail. This Forum also directed the complainant to file certified architect map along with affidavit on 24.08.2023 which he did on 31.08.2023.

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5. Counsel of the complainant submitted a new Map which is as per site condition as alleged by OP in their reply. He also submitted reply to mail of OP for authentication of the BCC issued to the complainant from Executive Engineer SPZ stating that the completion certificate has been released on online module under saral scheme.
6. OP sought further time for verification of the said mail and file RTI to MCD.
7. The matter was finally heard on 14.09.2023, when OP submitted RTI reply from MCD stating therein that completion certificate bearing ID no. 10112283 dated 22.02.2023 in respect of Property No. 4430, 4434 and 4438 situated at ward no. IX, Sachdev Lane, 7/38, Darya Ganj, New Delhi issued by the office of Executive Engineer (Building)-I.
8. In view of the above, we are of the considered opinion that MCD vide RTI no. 668/EE(B)-I/RTI/Cent.Zone/2023 dated 28.08.2023 has clarified that they have issued the BCC to the complainant. OP was not justified to go into the jurisdiction of MCD and question the sanctioned plan & BCC issued by MCD. OP was seeking adjournment of hearings again and again just for harassing the consumer and this Forum cannot countenance such practices.
9. This forum is of the opinion that the BYPL should have released electricity connection on 12.04.2023 itself when the complainant had submitted sanctioned plan & BCC. Withholding the connection, thereafter, is against the provisions of Section 43 of Indian Electricity Act and calls for compensation to the consumer. A lump sum amount of Rs. 2,500/- is awarded in favour of the complainant.

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ORDER

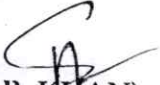
The complaint is allowed. The OP is directed to release the new electricity connection to the complainant after completion of all the commercial formalities as per DERC Regulations 2017. The OP should pay the consumer a compensation of Rs. 2,500/- for unjustified delay in releasing electricity connection.

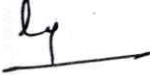
OP is also directed file compliance report within 21 days of this order.

Case is disposed off as above.


Both the parties should be informed accordingly. File be consigned to Record Room.

~~18/9/23~~  
(P.K.SINGH)  
CHAIRMAN

  
(S.R. KHAN)  
MEMBER-TECH


  
(P.K.AGRawal)  
MEMBER-LEGAL

  
(NISHAT AHMAD ALVI)  
MEMBER-CRM

  
(H.S. SOHAL)  
MEMBER

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