



CA No. Appiled For
Complaint No. 02/2023

In the matter of:

Rajat MohataComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

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.S. Sohal, Member

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Ms. Amita Sharma, Ms. Shweta Chaudhary & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 23rd March, 2023
Date of Order: 27th March, 2023

Order Pronounced By:- Mr. Nishat A Alvi, Member (CRM)

1. This complaint has been filed by Mr. Rajat Mohata against BYPL-GTR.
2. The brief facts of the case giving rise to this grievance are that complainant Mr. Rajat Mohata applied for new electricity connection vide order no. 8005915700 at premises no. A-78, TF, Jhilmil Industrial Area, Shahdara, Delhi-95.

Complaint No. 02/2023

But respondent rejected his application for new connection without mentioning any specific reason. Therefore, complainant has prayed this Forum for grant of his complaint by issuing directions to the respondent to allow his application for new connection.

3. OP in its reply briefly stated that the complainant applied for new electricity connection vide application no 8005954068 at property bearing no. A-78, third floor, Jhilmil Industrial Area, Shahdara, Delhi-95. It is also their submission that applied premises was found in MCD objection list at serial no. 13 and as per objection list circulated by MCD unauthorized construction in the shape of hall, room w/c etc.

It is also their submission that electricity connection vide CA No. 152701089 at said premises was inadvertently granted in January 2019. On complaint of the complainant the said fact came to the knowledge and as such a letter for disconnection of the said connection stands issued.

4. Arguments of both the parties are heard.

5. Representative of the complainant submitted that he applied for new electricity connection at third floor but respondent rejected his application without mentioning any specific reason. He further submitted that the property in question is built up with basement, ground floor, first floor, second floor and third floor. A connection is installed at the ground floor having CA no. 152701829 installed on 01.01.2019. The said building is being constructed as per building by-laws.

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Complaint No. 02/2023

6. LR of the OP submitted that it is the complainant's premises which are booked by MCD. The address in MCD list is A-78, Jhilmil Industrial Area and the complainant applied for new connection at no. premises A-78, third floor, Jhilmil Industrial Area. The MCD list nowhere mentions the floor, thus it appears that the entire building is booked by MCD. Thus, the complainant is advised to submit either NOC from MCD or BCC.

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

Attested true Copy

Secretary
CGRF (BYPL)

3 of 4

Complaint No. 02/2023

(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.

8. In the facts and circumstance and as per concerned Regulations and rulings of the court, complainants has failed to defend, OP”s plea of violation of Municipal Laws, by providing NOC from MCD .Consequently as per judgment in parivartan Foundation case complainant is not entitled for the grant of connection applied for, Unless and until NOC from MCD is obtained and submitted to OP.

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.



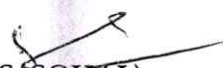
(S.R. KHAN)
MEMBER-TECH

~~(P.K. SINGH)
CHAIRMAN~~



(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER