



C A No. Applied For
Complaint No. 213/2023

In the matter of:

Rakesh SharmaComplainant

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)

Appearance:

1. Mr. Rakesh Sharma, Complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Ms. Shweta Chaudhary & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 11th May, 2023
Date of Order: 16th May, 2023

Order Pronounced By:- Mr. S.R. Khan, Member (Technical)

1. The brief facts of the case giving rise to this grievance are that complainant Mr. Rakesh & Jagmohan Sharma, applied for new temporary electricity connection vide request no. 8006216215 at premises 181, old no. 124/4D, GF, West Azad Nagar, Delhi-51, but respondent rejected his application for new connection on pretext of MCD objection.


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2. OP in its reply briefly submitted that the complainant is seeking fresh temporary electricity connection for ground floor of property bearing no. 181, old no. 124/4D, West Azad Nagar, Delhi-110051. The application of new connection of the complainant was rejected and deficiency letter was issued for the reason as applied address was found in MCD objection list vide letter no. EE(B)-I/SH-S/2022/D-415 dated 07.04.2022. The subjected property is mentioned at serial no. 11 and as per the objection list 'unauthorized construction is in the shape of Ground floor, first floor, and raising column on second floor with projection'.

On site visit it was found that now building structure consists of ground plus four floors over it. It is also submitted that the subject property was booked by MCD in the year 2022 under unauthorized construction and at that time one electricity connection bearing CA No. 100813745 was existing as regular connection granted for domestic purpose which was misused for construction purpose, therefore, misuse case was booked against the complainant and enforcement bill was raised which was duly settled and paid by the complainant.

3. Counsel of the complainant rebutted the contentions of respondent as averred in their reply and submitted that he wants temporary connection on ground floor of property bearing no. 181, old no. 124/4D, West Azad Nagar, Delhi-110051 under non-domestic category for construction purpose. He also admitted that his property is booked by MCD but he requested for temporary connection till the completion of the construction.

4. LR of the OP submitted that the premises of the complainant is booked by MCD, therefore they cannot release the new connection to the complainant and for release of new connection the complainant has to submit BCC or NOC from MCD.

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5. 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.

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6. Also, as per DERC (Supply Code and Performance Standards) Regulations 2017, in terms of Regulation 16 temporary connections.

(1) The Licensee shall give temporary connection for short-term requirements such as marriages, religious functions, construction activities, exhibitions, cultural functions, etc. in places where the distributing main of the Licensee are in existence:

Provided that where the distributing main is not available, the temporary supply shall be given subject to electrification of area under Regulation 11(4) (ii) and 11(4) (iii):

Provided further that temporary connection will be given only in the cases of low tension and high tension categories.

(2) The applicant shall make request for temporary connection in the format prescribed in the Commission"s Orders.

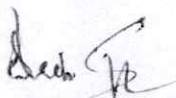
(3) The Licensee shall inform the applicant for obtaining No Objection Certificate or the permission from concerned authorities such as Electrical Inspector or local authority etc, if required, in providing temporary connection.

(4) The applicant shall give a declaration, that requisite No Objection Certificate (NOC) or permit, if required for the activity for which connection is applied for, is available:

Provided that in case Licensee comes to know that any permit or NOC is withdrawn by the competent authority after energisation of connection, the supply shall be disconnected forthwith under intimation to the consumer and shall be reconnected only after the permit or NOC is restored.

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7. 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. EDMC/EE(B)-I/Sh-S/2022/D-415 dated 07.04.2022 booked for unauthorized construction.
8. 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.

Case is disposed off as above.

No order as to the cost. Both the parties should be informed accordingly. File be consigned to Record Room.


(NISHAT A. ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


(S.R. KHAN) 5/23
MEMBER (TECH.)


(P.K. SINGH)
CHAIRMAN

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