



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 015/08NKS

CA No. Appiled For
Complaint No. 39/2023

In the matter of:

Rashid AhmedComplainant

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, Mr. Gaurav, Mr. Nishant, Ms. Shweta Chaudhary & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 21st March, 2023

Date of Order: 27th March, 2023

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

1. This complaint has been filed by Mr. Rashid Ahmed against BYPL-KRN.
2. The brief facts of the case giving rise to this grievance are that complainant Mr. Rashid Ahmed applied for new electricity connection vide order no. 8006053533 & 8006053560 at premises no. A-21, 2nd floor and 3rd floor East Baldev Park, Delhi but respondent rejected his

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application for new connection on pretext of premises booked by MCD and NOC or completion and occupancy certificate is required. 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 8006053533 and 8006053560 at property bearing no. A-21, second and third floor, East Baldev Park, Delhi, which was rejected as applied premises were found in MCD objection list at serial no. 41. As per the said list dated 17.07.2019 the ground floor of premises stands booked for unauthorized construction on account of projection on municipal land.

During site verification it was found that there are four no of premises with address as A-21 and 21. Applied premises building consists of ground plus three floors over it. Two electricity connection already exists having meter no. 35094303 and 55358865. Left side adjacent premises is an old building status whereof is Ground floor, left side to the said premises, the building status is parking +4. Two number meters installed. Left side building is having only ground floor which is permanently closed.

4. Arguments of both the parties are heard.
5. Representative of the complainant submitted RTI dated 20.02.2023 in respect of property no. A-21, East Baldev Park, Delhi, which states that as per record, first floor, second floor and third floor of property no. A-21, East Baldev Park, Delhi is not shown booked under unauthorized construction.

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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 A-21 (part) East Baldev Park, Delhi, and the booking is in shape of under construction at ground floor with projection on mpl land. 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;

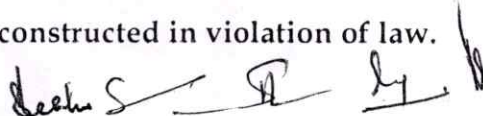
(c) the energization would be in violation of any provision of the Act, Electricity Rules, Regulations or any other requirement, if so specified or prescribed by the Commission or Authority under any of their Regulations or Orders.

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

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.

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-N/2019/D-873 dated 16.07.2019 booked for unauthorized construction in the shape of under construction at GF with projection on municipal land.


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.


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

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(H.S. SOHAL)
MEMBER

Secretary
CGRF (BYPL)