



C A No. Applied For
Complaint No. 153/2023

In the matter of:

Sanjay Kumar GuptaComplainant

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. Nishikant Ray, Counsel of the complainant
2. Ms. Ritu Gupta, Ms. Pragya Paliwal, Ms. Shweta Chaudhary & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 18th May, 2023
Date of Order: 26th May, 2023

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

1. Present complaint has been filed by Mr. Sanjay Kumar Gupta, against BYPL-MVR I&II.
2. The brief facts of the case giving rise to this grievance are that complainant Mr. Sanjay Kumar Gupta, applied for new electricity connection at premises no. 7/411, Fourth floor, TrilokPuri, Mayur Vihar,

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Delhi-110091 vide application no. 8006169314 but respondent rejected his application for new connection on pretext of premises appearing in MCD objection list, thus MCD NOC or completion cum occupancy certificate is required. Therefore, he requested the Forum to direct the respondent for release of new connections.

3. The OP in their reply briefly stated that the complainant is seeking fresh electricity connection for fourth floor of property bearing no. 7/411, Trilok Puri, Mayur Vihar Phase-I, Delhi-110091 vide application no. 8006169314. Complainant applied for new electricity connections which were rejected as applied address was found in MCD objection list at serial no. 43 vide letter no. EE(B)-II/SH-S/2020/D-66 dated 23.01.2020 in the shape of unauthorized construction of ground floor, first floor, second floor, third floor and fourth floor and projection.

At the time of inspection it was found that building consists of ground plus four floors over it with three shops at ground floor and single dwelling unit at each floor. OP further added that regarding the electricity connections which exists in the same property were granted prior to receipt of MCD objection list.

4. The counsel of the complainant argued that that he purchased said property on 06.09.2022 and thereafter applied for new connection on 16.02.2023 bearing application no. 8006169314 and the height of the said building is less than 15 meter. OP rejected the said application of the complainant on wrong reason as already there are connections installed in the applied premises. There are total four connections in the applied building only complainant's floor is without electricity.

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5. LR of the OP submitted since the building is booked by MCD therefore, new connection is not feasible and as per DERC Regulations complainant has to fulfill all the commercial formalities as required for new connection. OP further added that the energized connections in the applied building were released before booking of the premises. The energized connections in the applied building are of year 2016 and 2017. They have not released any new connection post booking by MCD.

6. 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.

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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.

Also, Hon'ble Delhi High Court in the case of W.P. (c) 2453/2019 has held "However, merely because some of the occupants of the building have wrongly been given an electricity connection, it cannot be ground for the court to direct respondents' no. 2 and 3 to further compound the wrong act and direct granting of a new electricity connection to the premises of the petition which is located in the building whose height is more than 15 meters."

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-N/2021/D-716 dated 11.10.2021 booked for unauthorized construction.

7. 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 connections. Since the building height is more than prescribed limit therefore, the complainant has to submit fire clearance certificate along with Building Completion Certificate for release of new connections.

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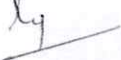


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ORDER

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. File be consigned to Record Room.

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|  (NISHAT A. ALVI) MEMBER (CRM) |  (P.K. AGRAWAL) MEMBER (LEGAL) |  (S.R. KHAN) MEMBER (TECH.) |  (P.K. SINGH) CHAIRMAN |
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