



C A No. Appiled For
Complaint No. 83/2023

In the matter of:

Seema BatraComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. S.R. Khan, Member (Technical)
4. Mr. H.S. Sohal, Member

Appearance:

1. Ms. Sakshi Sharma, Counsel of the complainant
2. Mr. Imran Siddiqi, Ms. Chavi, Ms. Amita Sharma & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 16th March, 2023
Date of Order: 21st March, 2023


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

1. This complaint has been filed by Ms. Seema Batra against BYPL-GTR.
2. The brief facts of the case giving rise to this grievance are that complainant Ms. Seema Batra applied for new electricity connection vide order no. 8006111104, 8006111084 & 8006111114 at premises no. F-14, Mansarovar Park, Shahdara, Delhi-110032, but respondent rejected her

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application for new connection on pretext of premises booked by MCD. It is also her submission that at same address two meters are already installed since 1987 and 2013. She further added that MCD booking is in the name of Mohd Adil and her property chain nowhere mentions the name of Mohd Adil. Therefore, complainant has prayed this Forum for grant of her complaint by issuing directions to the respondent to allow her application for new connection.

3. OP in its reply briefly stated that the complainant applied for new electricity connection vide application no 8006111104, 8006111084 & 8006111114 at property bearing no. F-14, F block, Mansarovar Park, Delhi-32. It is also their submission that at the time of inspection it was found that building consists of parking plus upper ground plus three floors over it and plot area of applied premises is 50 sq yards.

After site verification deficiency letter was issued to the complainant as the premises of the complainant appears in MCD objection list vide letter bearing no. EE(B)-II/SH-N/2021/D-816. As per the said list the premises of the complainant is booked for unauthorized construction in the shape of GF+FF+SF+TF and Fourth Floor with projection on municipal land. The plot size as mentioned in the said list is 50 sq yards approx.

Also, there are enforcement dues against CA No. 400038916 and energy dues against CA no. 101257139 are also outstanding against the applied premises.

4. Arguments of both the parties are heard.
5. Representative of the complainant submitted that the complainant is only having 50 sq yards of the total 150 sq yards. She further submitted

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that MCD has booked the premises in name of one Sh. Mohd Adil and on enquiry from MCD the officers did not provide any details of the booking. Complainant also stated that they are ready to clear all the outstanding dues on the said premises.

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 F-14, Mansarovar Park, Delhi, and the booking is in shape of GF+FF+SF+TF+Fourth Floor with projection on municipal land (area = 50sq yards). 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.

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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.

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/2021/D-816 dated 06.12.2021 booked for unauthorized construction in the shape of GF+FF+SF+TF and Fourth Floor with projection on municipal land. The plot size as mentioned in the said list is 50 sq yards approx.

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.

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(H.S. SOHAL)
MEMBER

(P.K. AGRAWAL)
MEMBER (LEGAL)

(S.R. KHAN)
MEMBER (TECH.)

(P.K. SINGH)
CHAIRMAN