

C A No. Applied for  
Complaint No. 360/2024

In the matter of:

Abhishek Chauhan

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmad Alvi (CRM)
3. Mr. P.K. Agrawal, Member (Legal)
4. Mr. S.R. Khan, Member (Technical)

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht, Mr. Akshat Aggarwal & Ms. Chhavi Rani On behalf of BYPL

ORDER

Date of Hearing: 1<sup>st</sup> October, 2024

Date of Order: 07<sup>th</sup> October, 2024

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

1. The brief fact of the case giving rise to this grievance is that the complainant applied for new electricity connection at premises no. 5594, lower ground floor, Gali No. 75, Reghar Pura, Karol Bagh, Delhi-110005, vide request no. 8006967628. The application of complainant was rejected by Opposite Party (OP) BYPL on the pretext of Address in MCD Objection, NOC or Completion Certificate/Architect Certificate required for height of building.

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CGRF (BYPL)

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2. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking new electricity connection under NX category at property bearing no. 5594, lower ground floor, Gali No. 75, Reghar Pura, Karol Bagh, Delhi-110005, vide request no. 8006967628. The application of the new connection was rejected on account of property appearing in MCD Objection list of unauthorized construction. Vide booking reference no. B/UC/KBZ/16/169 dated 31.05.2016 at serial No. 129. and Architect Certificate is deemed necessary as NX connection is being sought by the complainant.

OP also stated that the applied address falls under same property description and therefore in terms of the Judgment of Hon'ble DB of High Court of Delhi, in a PIL titled as "Parivartan Foundation Vs South Delhi Municipal Corporation & Ors." WP (C) 11236/2017 vide the order dated 20.12.2017, coming heavily against the menace of unauthorized construction passed a direction for non-grant of connection to the building construction in violation of laws and disconnect the supply if the same is granted in UC premises.

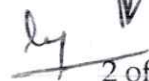
Reply further states that complainant's case is hit by law of joinder and mis-joinder as the title documents being relied upon by the complainant for seeking the present connection belongs to two people and not exclusively to the present complainant itself.

3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that OP already installed eight electricity connections upon the premises. It is further submitted that the respondent has filed the booking list but the same is not proper and the same is without any footing. Complainant has submitted the architect certificate along with the rejoinder. Complainant stated that his premises are not booked by MCD and he has fulfilled all the formalities as per DERC Rules and Regulations for release of new

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4. Heard arguments of both the parties were heard at length.
5. Both the parties were directed to conduct joint site visit. The site visit report dated 20.09.2024 was placed on record and it stated as under: -
  - a) Total height of building = Gali No. 75 (17.60 Meter)  
= Gali No. 76 (17.40 Meter)
  - b) There is only one building having address 5594/75-76, Reghar Pura, Karol Bagh, Delhi-110005 which is same as applied address.  
OP also placed on record the MCD website details from where the booking details of the property of the complainant can be downloaded.
6. From the narration of the facts and material placed before us we find that the application of the complainant for new connection was rejected by OP of three grounds, first the premises of the complainant is booked for MCD. Second the height of the building is more than 15 meters and complainant has applied for NX category connection and third the title documents placed by the complainant on record belongs to two people whereas the connection applied for belongs exclusively in the name of the complainant only.  
Regarding the objection of height of the building, the complainant has placed on record Architect Certificate dated 26.07.2024, which shows that the building structure comprises of lower ground floor, upper ground floor, first floor, second floor, third floor and fourth floor and the total height of the building does not exceed 15 meters at the time of inspection.

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Regarding other objection of title documents, the complainant has placed on record a No Objection Certificate from the other owner of the property i.e. Vignesh Chauhan, stating that both Vignesh Chauhan and Abhishek Chauhan are co-owners of the same property and he has no objection in releasing the electricity connection in the name of Abhishek Chauhan. Regarding the last objection of OP that the property is booked by MCD, the complainant has to file Building Completion Certificate from MCD. In this regard, the complainant stated that OP has not placed on record any concrete proof in support of their contention that the property is booked by MCD. Moreover, OP has already released eight new electricity connections in the same building after the MCD booking.

It is very much clear from the perusal of the documents placed on record that it is the same property which is booked by MCD. The complainant has placed on record the property sale deed which shows that they have purchased the property from one Mr. Yog Dutt Sharma and the MCD booking list shows booking dated 31.05.2016 in the name of Yog Dutt Sharma, Sunil Dutt Sharma and Vijay Dutt Sharma.

The plea of the complainant that OP has released eight electricity connections in the subject building that too after MCD booking, in this regard, OP stated that prior to Judgment of Hon'ble DB of High Court of Delhi, in a PIL titled as "Parivartan Foundation Vs South Delhi Municipal Corporation & Ors." WP (C) 11236/2017 vide the order dated 20.12.2017 they were releasing electricity connections in the MCD booking buildings, but after receiving the above stated stay orders, they stopped releasing the new connections in MCD booked properties.

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In view of the above, we are of the considered opinion that in the absence of complete documents the request of the complainant for release of new electricity connection cannot be granted. Since the height of the building is more than 15 meters and the complainant has applied for new connection under commercial category at the basement of the property in question, therefore the complainant has to submit fire safety clearance certificate, MCD NOC or BCC for release of new electricity connection.

ORDER


The complaint is rejected. OP has rightly rejected the application of the complainant for new connection. If in the future the complainant submits the MCD BCC or NOC and fire safety clearance certificate and fulfills other commercial formalities as per DERC Regulations 2017, OP is directed to release the new connection to the complainant.

The parties are hereby informed, that the instant Order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order.

If the Orders are not appealed against within the stipulated time or no interim stay thereon has been granted by the Ombudsman, the same shall be deemed to have attained finality.

Any contravention of these Orders is punishable under Section 142 of the Electricity Act 2003.

  
(NISHAT A ALVI)  
MEMBER (CRM)

  
(P.K. AGRAWAL)  
MEMBER (LEGAL)

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

  
(P.K. SINGH)  
CHAIRMAN