



C A No. Applied For
Complaint No. 62/2024

In the matter of:

Ali Sher Khan

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

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. Mr. Suraj Prakash Aggarwal, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 30th April, 2024

Date of Order: 01st May, 2024

Order Pronounced By:- Mr. H.S. Sohal, Member

1. This complaint has been filed by Mr. Ali Sher Khan against BYPL-NNG. The brief facts of the case giving rise to this grievance are that Mr. Ali Sher Khan applied for new electricity connections vide request no. 8006739074, 8006737555 and 8006737705 at premises no. Old No-E-1, New No-488/4, Block West, Class E, Dilshad Garden, Delhi-110095, but respondent rejected the application of the complainant for new

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CGRF (BYPL)

Complaint No. 62/2024

connection due to "Separate Dwelling Unit not existing, MCD Objection, NOC or Completion and Occupancy Certificate required" but Complainant stated that his premises is not booked in EDMC. Therefore, he requested the Forum to direct the respondent for release of new connections.

2. OP in its reply briefly stated that the present complaint has been filed by the complainant seeking three new electricity connections on Ground Floor, Second Floor and Third floor for property bearing no. Old no. E-1, New No. 488/4, Block West, Class E, Dilshad Garden, Delhi-110095. In respect of the application of complainant for new connection vide request no. 8006737555, 8006739074 and 8006737705 the deficiency letter was issued for the reason as applied address was found in MCD objection list forwarded to respondent vide letter no. EE(B)-I/Sh(S)/2019/D-6160 dated 05.03.2019. The subject property is mentioned at serial no. 3. As per the said list unauthorized construction 'is in shape of GF and FF with projection'. Thereafter one more list was forwarded to respondent vide letter no. EE(B)-I/Sh(S)/2021/D-1042 dated 16.06.2021. The subject property is mentioned at serial no.1. As per the said list unauthorized construction is found at 'GF, FF, SF in the shape of hall, room etc'.

On dated 13.01.2024 site was visited and it was found that building comprises of Ground plus three floors over it. On the Ground Floor no dwelling unit was found. As such as far as Ground Floor is concern no domestic connection can be given even on submissions of Building Completion Certificate (BCC) whereas in respect of other floors connection can be released only on BCC/NOC from MCD.

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Secretary
CGRF (BYPL)

Complaint No. 62/2024

3. Counsel of the complainant filed his rejoinder, refuting the contentions of the respondent as averred in their reply and stated that there are many premises of same address having no. 488/4. As per EDMC letter no. EE(B)-I/Sh/2019/D-6160 dated 05.03.2019, the property booked is near primary school MCD and Car market whereas his property is in different street. Counsel of the complainant also produced bills of certain connections having CA no. 151749377, 152076776 installed in premises no. 488/4 but they are not in his premises. In his premise there is only one connection in the name of complainant itself which was released in the year 2018 at the first floor of his premises.
4. Arguments of both the parties are heard and perused the record.
5. The main issue in the present case is release of new connection in the MCD booked premises.
6. From the narration of facts and material placed before us we find that the premises where new connection is applied for by the complainant is having address 488/4, block west, Class E, Dilshad Garden, Delhi-95. The complainant also submitted site map and shows where his premises is but failed to prove his contention that there are other premises also of the same address. From the site map it is clearly evident that the premise of the complainant is near Primary School and Car market and both the details are matching with the MCD objection list dated 05.03.2019. Complainant failed to prove his contention that his premises are different from the booked premises.

GPA submitted by the complainant shows that the property earlier was comprised of two rooms, latrine, bath, kitchen verandah etc. and at present the site building submitted by OP shows building is reconstructed from single ground floor to ground + first + second and third floor. There is a strong possibility that the premises of complainant

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Secretary
CGRE (BYPI)

Complaint No. 62/2024

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.

8. 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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Secretary
CGRF (BYPL)

4 of 5



Complaint No. 62/2024

9. Thus, in view of above, we are of considered opinion that the new connections applied by the complainant cannot be granted. For release of the new electricity connections the complainant has to file Building Completion Certificate from Municipal Corporation of Delhi.


ORDER


Complaint is rejected. Respondent has rightly rejected the application of new connection of the complainant. However, if in future the complainant submits Building Completion Certificate, OP should ~~to~~ release him new electricity connection, subject to fulfilling any other required formalities.

The case is disposed off as above.

No order as to the cost. Both the parties should be informed accordingly.
Proceedings closed.


(H.S. SOHAL)
MEMBER


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN

5 of 5

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