

C G R F



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

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REGD. OFFICE

C A No. Applied For
Complaint No. 167/2024

In the matter of:

Anita

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

1. Mr. Imran Ul Haq Siddiqi, Counsel of the complainant
2. Mr. Akash Swami, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 25th June, 2024

Date of Order: 11th July, 2024

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

1. This complaint has been filed by Ms. Anita against BYPL-Laxmi Nagar. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connection vide request no. 8006722508 at premises no. 671, first floor, Pvt. Flat no. 1, Kh. No. 581/1, Bank Colony Road, Village Mandoli, Near Vimal Market, Delhi-110093, but respondent rejected the application of the complainant for new connection on the pretext of same site energy dues and address in EDMC objection list, ESS Space required and long service line required.

Attested True Copy

Secretary
CGRF (BYPL)

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2. OP in its reply briefly stated that the present complaint has been filed by the complainant seeking new electricity connection at premises no. 671, FF, Pvt. flat no. 1, Kh. No. 581/1, bank colony road, village Mandoli, Near Vimal Market, Delhi-110093 vide application no. 8006722508 and said application of the complainant was rejected on account of same site energy dues against CA No. 150375284 of Rs. 6250/-, CA No. 150375283 of Rs. 88,120/-. Applied address is under MCD booking list dated 20.04.2022 and electric sub-station space is required.

Reply further added that inspection was carried out and it was found that there are several deficiencies which are in direct violation of DERC Supply Code 2017. OP also stated that the entire plot area is 2000 sq yards approx and applied plot area is 250 sq yards approx and in total 34 units are available in the total plot upon which there exist eight meters and there is no LT network inside the complex and further approx. 75 meter service line is required.

Reply also stated that the complainant has also not been able to substantiate her title/rights qua the applied premises as based upon a Ntarised GPA dated 24.02.2012 which states that one Narender Kumar s/o Vimal Kumar is doing GPA in favour of the complainant namely Anita w/o Surrender by the virtue of tenancy rights.

3. Rejoinder stated that the complainant applied new electricity connection at first floor of premises no. 671, Pvt. No. 1, Kh. No. 581/1, Bank Colony Road, Village Mandoli, Near Vimal Market, Dlei-110093, whereas as per MCD list only ground floor is booked, thus complainant is liable to get the new electricity connection.

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Rejoinder further stated that already two electricity connections are live in the said premises; hence there is no requirement for any other formality on the part of the complainant.

Regarding the pending dues, the complainant submitted that as demanded the dues of live connection, complainant is paying the same as per consumption regularly.

4. Heard both the parties and perused the record.
5. From the above facts we find that OP raised three fold deficiencies upon the application of the complainant for new connection. Firstly, the premise of the complainant is appearing in the MCD booking list dated 20.04.2022, against unauthorized construction in the shape of GF (area 250 sq yards approx). Secondly, there are pending dues amounting to Rs. 6250/- against CA no. 150375284 and Rs. 88,120/- against CA no. 150375283 and lastly, the complainant has to provide ESS space as total plot area/complex is approx 2000 sq yards.
6. As per Regulation 11 (1) (iv) of DERC (Supply Code and Performance Standards) Regulations 2017, **"The Licensee shall indicate all the deficiencies in the application form to the applicant in one go only and shall not raise any new deficiency subsequently"**

Perusal of deficiency letter show that it does not show deficiency of ownership which OP is taking in its reply for the first time, which as per above Regulation it can't be allowed to rise.

In support of the objections as taken in the deficiency letter, OP has placed on record copy of MCD letter concerned, alongwith list of booked premises, copies of unpaid bills. As per MCD list the subject property is shown very much booked. The reason for booking is depicted unauthorized construction of the GF having 250 sq yards area.

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This list shows the Owner/builder whereof Mr. Surender, who is apparently husband of the complainant. Further, complainant has not specifically denied the fact of booking. Her only version is that it is only the GF of the said premises which is booked and not the first floor thereof. We don't find any substance in this argument of the complainant. How a construction on an unauthorized construction can't *be* be a valid construction. In this manner we find violation of undertaking no. 5 of the performa of the complaint -- that the construction is as per prevalent building bye laws.

Regarding dues, (there is no specific denial thereof, by the complainant) the only statement she made in her pleadings is that those are regular bills which she is paying,

Regarding ESS space, OP quotes Regulation 22 of DERC (Supply code and Performance Standards) Regulations 2017 Sub-Regulation 1, thereof places three conditions for requiring ESS space. OP has not explained as how all these three conditions are available in complainant's case which she is not fulfilling.

Rule 11 (2)(iv)(c) of DERC (Supply Code and Performance Standards) Regulations 2017, says 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.

In this respect unauthorized construction for which this property was booked is a clear violation of Municipal Laws.

[Handwritten signatures and initials]

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7. 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:


"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.


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".

8. In the facts and circumstances complainant failed to clear deficiencies of MCD booking and outstanding ^{dues} ~~due~~. Hence OP is justified in ^{den} ~~den~~ rejecting her request for new connection.

The complaint is dismissed as not maintainable.

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


H.S. SOHAL
MEMBER


NISHAT A ALVI
MEMBER(CRM)


S.R. KHAN
MEMBER(TECH.)


P.K. SINGH
CHAIRMAN

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Secretary
COTF (BYPL)