



C A No. Applied For
Complaint No. 55/2024

In the matter of:

Anu Jain

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

1. Ms. Sakshi Sharma, Counsel of the complainant
2. Mr. Akash Swami, Mr. Akshat Aggarwal & Ms. Chhavi Rani On behalf of BYPL

ORDER

Date of Hearing: 14th May, 2024

Date of Order: 16th May, 2024

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

1. This complaint has been filed by Ms. Anu Jain against BYPL-Yamuna Vihar. The brief facts of the case giving rise to this grievance is that the complainant applied for new electricity connections vide request no. 8006738444 and 8006738464, at premises no. IX/2673, 3rd Floor, Khasra No. 131, Ahata No-14, Gali No-17, Kailash Nagar, Delhi-110031, but respondent rejected the application of the complainant for new

See

HA

Attested True Copy
1 of 5
See
Secretary
CGRF (BYPL)

Complaint No. 55/2024

Connections on the pretext of "G+ 5 commercial building, Building heights is more than 15 mtr and MCD Booking, BCC required".

2. OP in its reply briefly stated that the present complaint has been filed by the complainant seeking for two new connections at premises bearing no. IX/2673, 3rd Floor, Khasra No. 131, Ahata No-14, Gali No-17, Kailash Nagar, Delhi-110092. The complainant applied for new connections vide request no. 8006738444 and 8006738464. That upon inspection of the said premises it was also found that the entire piece of land consists of 180 sq yards which is divided into three building structures each consists of ground + 5 Floors out of the said three structures, two structures belong to Deepak Jain and one structure of area of 54 sq yards out of the entire 180 sq yards belongs to the present complainant namely Anu Jain.

The structure belonging to Deepak Jain was previously energized on 30.10.2019 i.e. prior to the premises getting booked by MCD which is on 08.09.2020. And the structure belonging to the complainant has no connection. That the said deficiency was duly intimated to the complainant and was accordingly asked to resolve the same by submitting the BCC as per the stipulated provisions of the Electricity Act & Regulations framed in DERC Regulations 2017.

3. In response to the reply, the complainant filed rejoinder refuting therein the contentions of the respondent as averred in their reply. The counsel for the complainant stated that the complainant is the absolute owner of third and fourth floor of the above said property and she had purchased the said property in July-2010. He further submitted that the respondent has sent rejection letter to the complainant but in this rejection letter it is clearly mentioned that only Ground Floor, First Floor and Second Floor were booked by the MCD on basis of unauthorized construction but the

[Signature]

[Signature]

[Signature]

Attended True Copy
2 of 6
Secretary
CGRF (BYPL)

Complaint No. 55/2024

complainant has applied for electricity connection only for third and fourth floor of the above said property, so why the OP is not granting the electricity connection to the third and fourth floor when they are not booked by MCD. The complainant has applied for electricity connection only for third and fourth floor and the law of "Ground + 5 Commercial building have height more than 15 meters" is not applicable on the complainant.

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. 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.

Deel

SA

ly

Attested True Copy

3 of 5

see

Complaint No. 55/2024

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 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.

8. 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 IX/2673, 3rd floor, Khasra no. 131, Ahata No. 14, Gali N. 17, Kailash Nagar, Delhi-110031. OP rejected the applications of the complainant for new connection on basis of two fold objections, first the premises are booked by MCD and secondly building height more than 15 meters. The counsel of the complainant admitted in the rejoinder that the premises booked by MCD is from ground floor till second floor, but she has applied for new connection on third floor and fourth floor which are not booked by MCD and regarding building height more than 15 meters, she denied to this fact but have not placed on record any evidence to substantiate her claim. The MCD has booked these premises under Section 343 & 344 of DMC Act 1957. It is clear that the complainant was constructing the building when it was booked by MCD, thereafter; complainant without getting MCD booking cleared constructed two more floors over it. This does not mean that the third floor and fourth floor are not booked, although they are not mentioned in MCD booking list but since the root (Ground floor) of the building is booked thus the entire building above it is considered to be booked.

See

by

by

Attached True Copy
of 5
Secretary
CGRE (BYPL)

Complaint No. 55/2024

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 and also regarding building height the complainant has to submit Fire Clearance Certificate from the concerned department as the complainant has applied for commercial connections.

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 new electricity connections, 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.


(S.R. KHAN)
MEMBER-TECH


(P.K. SINGH)
CHAIRMAN


(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM

(H.S. SOHAL)
MEMBER