



C A No. Applied for  
Complaint No. 244/2024

In the matter of:

Arihant Jain

.....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. Vinod Kumar, Counsel of the complainant
2. Ms. Kavya, Mr. R.S. Bisht, Ms. Chhavi Rani & Mr. Lalit, On behalf of BYPL

ORDER

Date of Hearing: 5<sup>th</sup> December, 2024


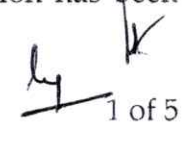
Date of Order: 09<sup>th</sup> December, 2024

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

1. The brief facts of the case giving rise to this grievance are that the complainant applied for two new electricity connections at premises no. M-100-A, Jagat Ram Park, Laxmi Nagar, Delhi-110092, vide requests no. 8006902773 & 8006899639. The application of complainant was rejected by Opposite Party (OP) BYPL on the pretext of Address in MCD List, wrong category applied and dues at site, but complainant stated that his application for new connection has been declined on false grounds.

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CGRF (BYPL)

   
1 of 5

**Complaint No. 244/2024**

2. The respondent in reply briefly stated that the present complaint has been filed by the complainant seeking for one new connection at premises No. M-100-A, Jagat Ram Park, Laxmi Nagar, Delhi-110092, vide requests no. 8006902773 & 8006899639. The applications of the new connections were rejected as the property is in MCD Objection list of unauthorized construction "in the shape of F/F, S/F, TF, & IV floor finishing working is carried out" vide letter no. EE(B)-I&II/Shah(S)2020-21-D dated 17.11.2020 at serial No. 895.

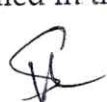
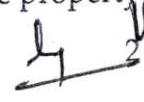
After the receipt of the complaint, site was re-visited on 31.05.2024 and it was found that applied structure consist of ground plus four floors over it and MCD booked premises and applied premises are same. Dues at site on account of theft bill of CA No. 400028546 and dues of CA No. 100875638 which is also at same address are pending and hence pro rata share of complainant comes to the tune of Rs. 21,059/-. At subject premises 4 electricity connections exist which were released on 21.06.2019 i.e. before the receipt of MCD list.

Regarding existing connections, the said connections were granted prior to November 2018 since when in the terms of **Parivartan Foundation V/S South Delhi Municipal Corporation and ors.** Judgments in cases of MCD Booked premises connections are not granted till Building Completion Certificate (BCC) or NOC from MCD are provided.

3. Counsel for the complainant rebutted the contentions of the respondent was averred in their reply and submitted that properties no. M-100A and M-100 are separate premises and in which the complainant has applied for electricity connection upon the premises no. M-100A and the same are not booked by the MCD. Complainant stated that four electricity connections are installed in the property

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Secretary  
CGRF (BYPL)

  of 5

Complaint No. 244/2024

bearing No. M-100A and no mention of floor in the MCD sealing list and the complainant have applied for ground floor parking. Complainant stated that the theft bill of CA No. 400028546 and dues of CA no. 100857638 pertains to the property bearing no. M-100B and upon which the complainant has not concern any manner.

4. To the confirm the statement of counsel of the complainant both the parties were directed to conduct joint site visit. Joint site visit report dated 17.09.2024 placed on record states as under:-
  - a) Applied Building is Ground+ 4 structures and all meter install in the year 2019.
  - b) There are two building exist of address M-100 and M-100A.
  - c) There is only applied building structure is G+4 and other building structure is G+1.
  - d) MCD booked building structure is G+4 and MCD booked building & applied building is same.
5. Heard arguments of both the parties were heard at length.
6. As far as legal position is confirmed according to DERC (Supply and Performance Standards) Regulations, 2017 Rule10 (3) for the new connection proof of ownership or occupancy is required.  
Performa for new connection has been provided in DERC (Supply and Performance Standards) Regulations, 2017 as annexure 1, seven declarations are required as per forma and in this case 5<sup>th</sup> one is important "that the building has been constructed as per prevalence building bye-laws and fire clearance certificate, if required, is available with the applicant."

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Secretary  
CGRF (BYPL)



 3 of 5

Complaint No. 244/2024

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

7. Hon'ble Delhi High Court in case of Parivartan Foundation V/S. South Delhi Municipal Corporation & Others W.P. (c) 11236/2017 dated 20.12.2017 has laid down that


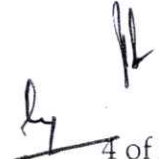
1. The BSES Rajdhani Private Limited and the Delhi Jal Board shall ensure that no connections are provided and water and electricity is not supplied to the buildings constructed in violation of law.

2. 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. Hon'ble Supreme Court of India in the matter "Supertech Vs Emerald Court Owners Resident Welfare Association (2021) 10 SCC 1, observed that unauthorized construction destroys the concept of planned development and places unbearable burden on basic amenities provide by local authorities. It was imperative for the public authorities to not only demolish such construction but also to impose a penalty on wrong doers involved.

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Secretary  
CGRF (BYPL)

   
4 of 5

Complaint No. 244/2024

8. 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.


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.

(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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