

C G R F



B Y P L

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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SECRETARIES

C A No. Applied for Complaint No. 197/2024

In the matter of:

Aslam

.....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. Mr. Deepak Pathak, Mr. R.S. Bisht, Mr. Akshat Aggarwal, Ms. Chhavi Rani & Mr. Lalit, On behalf of BYPL

ORDER

Date of Hearing: 30th July, 2024

Date of Order: 01st August, 2024

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

1. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connection at premises no. 3208, top floor, Kucha Pandit, Lal Kuan, Delhi-110006, vide request no. 8006741087. The application of complainant was rejected by Opposite Party (OP) BYPL on the pretext of building height more than 15 meter, premises appearing in MCD objection list. Six units are in the building and already six meters exists.

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Secretary
CGRF (BYPL)

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2. The respondent in reply briefly stated that the present complainant has been filed by complainant seeking a new electricity connection on the fifth floor of the property bearing no. 3208, top floor, Kucha Pandit, Lal Kuan, New Delhi-110006 vide request no. 8006741087. The premises of the complainant was booked by MCD vide letter no. D-01/EE(B)-II/City-S.P. Zone/2021 dated 05.04.2021 and the complainant submitted BCC from MCD vide file no. 10098707 dated 05.03.2022. The subject building is having all domestic connections and the number of floors in the applied building is GF + 5. All the connections were released on the basis of BCC. Details of the existing connections are as under:

S.No.	Meter no.	Floor wise	Category	D.O.I.
1	70340847	2 nd floor	DX	17.03.2022
2	70340855	Ground floor	DX	17.03.2022
3	35875000	4 th floor	DX	17.03.2022
4	70342027	3 rd floor	DX	31.03.2022
5	770342026	1 st floor	DX	31.03.2022
6	70340854	3 rd floor	DX	21.03.2022

Reply further added that previous issued connections were released on the basis of BCC signed by Architect Tarun Kumar Paul, who has been debarred by MCD, as per details available on MCD portal. Therefore, new connection cannot be released on the basis of BCC signed by debarred Architect.

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CDR (MCD)

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3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the complainant has submitted BCC issued from the MCD and OP has already released six new electricity connections in the year 2022 on the basis of said BCC. He further contended that the architect is not debarred on part of his premises.
4. Heard arguments of both the parties at length.
5. During the course of arguments, OP stated that Architect Tarun Kumar Paul was debarred by MCD in the year 2021 but they receive the debarred architects list after the release of the new connections to the complainant in the year 2022. Therefore, the BCC issued by him during his debarring period should not be considered for release of the new electricity connection as applied for, by the complainant.
6. From the narration of facts and material placed before us we find that complainant applied for new electricity connection which OP rejected on pretext of Building booked by MCD. The complainant submitted Building Completion Certificate (BCC) from the MCD but the said BCC could not be considered as it is issued by the debarred architect.

As far as the complainant's objection that OP has already released new electricity connections in his premises in the year 2022 on the basis of the same BCC which was issued by Architect Tarun Kumar Paul. In this regard, Hon'ble Delhi High Court in the case of W.P. (c) 2453/2019 has held "However, merely because some of the occupants of the building have wrongly been given an electricity connection, it cannot be ground for the court to direct respondents' no. 2 and 3 to further compound the wrong act and direct granting of a new electricity connection to the premises of the petition which is located in the building whose height is more than 15 meters."

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7. As above, we are of the considered opinion that since the BCC issued on 05.03.2022 by the Architect who was debarred by MCD during that period should not be considered for release of the new electricity connection. Though OP has already released six domestic electricity connections in the same premises on the basis of said BCC either deliberately or inadvertently, now OP is free to take action against said connections as per law.

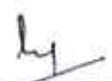
ORDER

The complaint is rejected. OP has rightly rejected the application of the complainant of the new connection. This Forum is unable to give any relief to the complainant.

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

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CGRE (BYPL)