

C A No. Applied for
Complaint No. 533/2024

In the matter of:

Chetan SharmaComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

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. Chetan Sharma, the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht, Ms. Chhavi Rani & Akshat Aggarwal, on behalf of BYPL

ORDER

Date of Hearing: 11th February, 2025

Date of Order: 14th February, 2025

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 new electricity connection under NX category at premises no. 34, 35, 36, Ground Floor, Khasra No. 24/15, Village-Mandoli, Rajeev Nagar, Delhi-110093, vide request no. 8007151497. The application of complainant was rejected by OP on the pretext of Connection already Exist, but complainant stated that already installed connection in his premises is for charging E-rickshaw purpose now he wants a separate commercial connection.

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2. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking for new NX connection at the premises no. Ground Floor, 34, 35, 36, Khasra No. 34/15, Village-Mandoli, Rajeev Nagar, Near Delhi-110093, vide request no. 8007151497. The application of the new connection was rejected on following account

Firstly; connection vide CA No. 150333054 (EV Meter) already exist at the applied portion of the premises. Hence there is no technical feasibility is made out for grant of new connection.

Secondly; there exist same site energy dues against CA No. 150276542 for a sum of Rs. 3068/-.

Thirdly; Complaint is defective as title documents is in favor of Mr. Chetan Sharma and Mr. Gaurav Sharma but Mr. Gaurav Sharma has not filed any NOC/Vakalatnama.

Hence, Violation of the provisions of Electricity Act & Regulations framed in respect of DERC (Supply Code & Performance Standards) Regulations, 2017.

3. The complainant rebutted the contentions of the respondent as averred in their reply and submitted that the complainant has electricity connection (EV) for the purpose of E-Rickshaw Charging. Complainant wants a commercial connection as OP has raised him misuse bill on the existing connection, therefore he wants a separate commercial connection. Complainant has already paid the misuse bill and also filed NOC along with rejoinder.

4. Heard arguments of both the parties at length.

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5. During the course of argument, OP filed additional written submissions and stated that the applied premises is booked by MCD in the name of the complainant i.e. Mr. Chetan Sharma vide booking letter no. EE(B)-I/SH-/2023/D-232 dated 13.12.2023 at serial no. 18 being recorded as unauthorized constructed in the shape of Ground Floor & First Floor with projection on road.

6. From the narration of facts and material placed before us we find that the complainant applied for new electricity connections which OP rejected on pretext of Firstly; Meter already exists. Secondly; same site energy dues. Thirdly; defective title document. Regarding first objection of OP, OP itself withdraws first objection. In support of pending dues, the complainant filed payment receipt of misuse bill. Regarding third objection of OP, complainant filed NOC in his favour from one Mr. Gaurav Sharma who is co-owner of the property.

During the course of argument, OP filed additional written submissions and stated that the applied premises is booked by MCD in the name of Mr. Chetan Sharma vide booking letter no. EE(B)-I/SH-/2023/D-232 dated 13.12.2023 in which the applied address of the complainant premises no. Ground Floor, 34, 35, 36, Khasra No. 34/15, Village- Mandoli, Rajeev Nagar, Near Delhi-110093 and property no. 34-35-36, Village Mandoli, Main Thana Road, Delhi, booked by MCD in the name of Mr. Chetan Sharma both properties are same.

7. As far as legal position is confirmed according to DERC (Supply and Performance Standards) Regulations, 2017 Rule 10 (3) for the new connection proof of ownership or occupancy is required.

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Performa for new connection has been provided in DERC (Supply and Performance Standards) Regulations, 2017 as annexure 1, seven declarations are required as per form and in this case 5th 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."

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.

8. 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.

9. Thus, in view of above, we are of considered opinion that the complainant failed to prove that the booked premise and his premise are different, although the complainant pleaded that his portion is different from the booked portion but has not provided any details in support of his contention.

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10. Therefore, the new connections applied by the complainant cannot be granted and for release of the new electricity connection the complainant has to file Building Completion Certificate from Municipal Corporation of Delhi.

ORDER

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

The parties are hereby informed that instant Order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order. If the Order is not appealed against within the stipulated time, the same shall be deemed to have attained finally.

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)

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