



## 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

Phone: 32978140 Fax: 22384886

E-mail:cgrfbyp@hotmai.com

SECY/CTO/01/2024

C A No. Applied For  
Complaint No. 54/2024

In the matter of:

Deepak Jain .....Complainant

VERSUS

BSES Yamuna Power Limited .....Respondent

Quorum:

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

Appearance:

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

ORDER

Date of Hearing: 14<sup>th</sup> May, 2024

Date of Order: 15<sup>th</sup> May, 2024

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

1. This complaint has been filed by Sh. Deepak Jain against BYPL-Yamuna Vihar. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connections vide request no. 8006739242 and 8006739456 at premises no. IX/2673, 3<sup>rd</sup> floor, Khasra No. 131, Ahata No. 14, Gali No. 17, Kailash Nagar, Delhi-110031, but respondent rejected the application of the complainant for new

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Connection on the pretext of "ground plus five floor, commercial building, building height more than 15 meters, BCC required and MCD Objection, NOC or Completion and Occupancy Certificate required.

2. OP in its reply briefly stated that the present complaint has been filed by the complainant seeking two new electricity connections at Third floor and fourth floor of property bearing no. IX/2673, Khasra No. 131, Ahata No. 14, Gali No. 17, Kailash Nagar, Delhi-110031. The site of the complainant was visited and it was discovered that premises is being booked by MCD booking letter dated 08.09.2020. It was also discovered that the building where new connection is sought is Ground + five floors over it and commercial building having height more than 15 meters.

It was also found that the entire piece of land consists of 180 sq yards which is divided into three building structures each consisting of ground + five floors out of the said three structures, two structures belong to Deepak Jain which was energized on 30.10.2019 having total of 7 connections i.e. prior to the premises getting booked by MCD on 08.09.2020.

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. 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.

*Deepak*

*R*

*by*

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*Attested True Copy*  
*Deepak*  
Secretary

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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 he 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 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 5<sup>th</sup> 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."

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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.

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.

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, 3<sup>rd</sup> 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.

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*[Handwritten signatures and marks]*  
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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.

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. However, if in future the complainant submits Building Completion Certificate, OP should to release him new electricity connection, 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

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MEMBER  
  
Secretary  
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