

C A No. Applied for
Complaint No. 159/2024

In the matter of:

Deepanshu GuptaComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Ms. Seema Rawat, Mr. Akshat Aggarwal & Ms. Chhavi Rani On behalf of BYPL

ORDER

Date of Hearing: 4th July, 2024

Date of Order: 08th July, 2024

Order Pronounced By:- Mr. S.R. Khan, Member (Technical)

1. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connections at premises no. J-39A, J-Extension, First Floor, Old No. J-39, Laxmi Nagar, Delhi-110092, vide requests no. 8006837959. The application of complainant was rejected by OP on the pretext of Address of MCD List, Unauthorized Construction in the shape of Stilt, FF, SF, TF, & IV floor finishing work is carried out. Connection already exists.

Complainant No. 159/2024

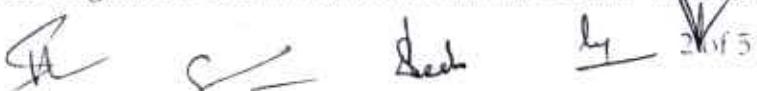
2. The respondent in reply briefly stated that the present complaint has been filed by the complainant seeking new connection at premises No. First floor J-39-A, J-Extension, Old No. J-39, Laxmi Nagar, Delhi-110092. Vide request no. 8006837959. The application of the new connection was rejected as the property is in MCD Objection list of unauthorized construction "in the shape of stilt, F/F, S/F, TF, & IV floor finishing working is carried out" vide letter no. EE(B)-II/SH(S)2018/D-1071 dated 03.07.2018 at serial No. 127.

OP also stated that building structure consists of Ground plus four floors over it and on Ground Floor there are two shops. At present there are three meters found existing in the subject building. Regarding existing connections, the said connections were granted prior to November 2018 i.e. the date since when in the terms of **Parivartan Foundation V/S South Delhi Municipal Corporation and ors.** Judgment in cases of MCD Booked premises connections are not granted till Building Completion Certificate (BCC) or NOC from MCD are provided. The details of existing connections are as under:-

S. No.	CA No.	Meter No.	D.O.E	Floor	Category
1	153142601	70080612	01.10.2020	Ground Floor	NX
2	101069733	35896925	15.12.2009	No Floor	DX
3	152247479	35622195	02.07.2017	No Floor	NX

Regarding connection mentioned at serial no. 1 name change was carried out in year 2020 leading to change of CA No. from 152664355 to 153142601. The connection bearing CA No. 152664355 was granted in October 2018. The existing connections have billing address as J-39, J-Extension, Laxmi Nagar, the address mentioned in MCD list. Thus, it

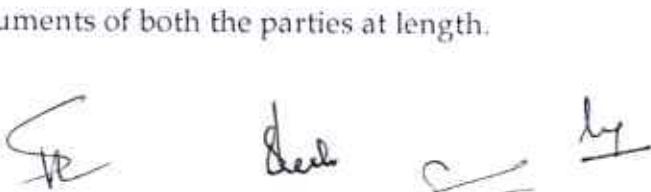
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CGRF (BYPL)

 4 of 5

Complainant No. 159/2024

is apparent that an applied premise is also having address J-39 and not J-39-A as claimed by complainant with malafide intent. As per site visit meter bearing no. 35896925 is supplying electricity at applied premises. Hence, no new connection can be granted as the applied premise is already electrified.

3. Counsel for the complainant rebutted the contentions of the respondent was averred in their reply and submitted that properties no. J-39A and J-39 are separate premises and in which the complainant has applied for electricity connection upon the premises no. J-39A and the same are not booked in the MCD objection list. Complainant stated that one electricity meter is installed in the property bearing No. J-39/A having CA No. 101069733 in the name of Mr. Mohan Lal on 15.12.2009 and except other two electricity meter vide CA No. 153142601 installed on 01.10.2020 and CA No. 152247479 on 02.07.2017 and both electricity meter are adjacent to the property of complainant bearing no. J-39.
4. Both the parties were directed to conduct joint site visit and submit its report as under:-
 - (a) Applied Building is Ground+ 4 structures.
 - (b) Applied Building address J-39, J-Extension and adjacent building address is J-39A, J-Extension.
 - (c) As per applicant J-39A wrongly written in applied address.
 - (d) Heard arguments of both the parties at length.


3 of 5

Complainant No. 159/2024

5. From the joint site visit report submitted by OP on which the complainant has also signed, the complainant himself has admitted that his property number is J-39 and not J-39A. J-39A is wrongly written by the complainant. Thus it is clear that it is the property of the complainant which is booked by MCD i.e. J-39.
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.

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.

Complaint No. 159/2024

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.

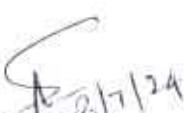
8. Thus, in view of above, we are of considered opinion that the new connections applied by the complainant cannot be granted. For release of the new electricity connections the complainant has to file Building Completion Certificate from Municipal Corporation of Delhi.

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.

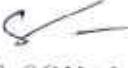
No order as to the cost. Both the parties should be informed accordingly.
Proceedings closed.


(S.R. KHAN)
MEMBER-TECH


(P.K. SINGH)
CHAIRMAN


(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER