



C A No. Applied For
Complaint No. 21/2024

In the matter of:

Farana

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

1. Mr. Imran Ul Haq Siddiqi, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.s. Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 18th April, 2024
Date of Order: 22nd April, 2024

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Secretary
CGRF (BYPL)

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

1. This complaint has been filed by Smt. Farana, against BYPL-Laxmi Nagar. The brief facts of the case giving rise to this grievance are that the complainant Smt. Farana, applied for new electricity connection vide request no. 8006698081 at premises no. 181-B, TF, J extension, Laxmi Nagar, Delhi-110092, but respondent rejected the application of the complainant for new connection on the pretext of address in MCD objection list, dues and dispute exist at site.

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2. The respondent in reply briefly stated that the complainant is seeking new electricity connection under domestic category for third floor of premises bearing address 181-B, J-extension, Laxmi Nagar, Delhi-110092 vide application number 8006698081.

Reply further added that upon inspection of the site premises for granting of new electricity connection, it was found that building was booked by MCD on account of unauthorized construction vide MCD letter no. EE(B)-II/Sh(S)/2023/D-1347 dated 19.01.2023. The subject property is mentioned at serial no. 18 of the MCD list and as per the list unauthorized construction is in the shape of GF, FF, SF, TF and fourth floor. Beside this, there was one more MCD objection list in respect of same property wherein Gali No. 6 is mentioned.

On physical verification of applied premises which was redone on 27.12.2023, it was found that MCD booked property and applied premises are same. Both have building structure as ground plus four floors. Also, no other property with address 181-B, J extension was found in any other gali/lane. Regarding the MCD booking in respect of Gali no. 6, the said property was also on physical verification was found to be in Gali no. 9. Accordingly, no new connection can be granted till the submission of NOC/Building Completion Certificate (BCC) from MCD is obtained and submitted.

Counsel of the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that he applied for new connection at premises bearing no. 181-B, J extension, Laxmi Nagar, Delhi-110092, but OP rejected his application for new connection on pretext of MCD booking. However, MCD booking is for property no. 1818, J-extension, Gali No. 9, which is quite different from his property.

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He also submitted that MCD booking is with remarks "under construction in shape of GF, Ff, SF, Third floor, fourth floor, however his building was constructed more than 15 years and all the connections in the building are energized from the year 2002 to 2006.



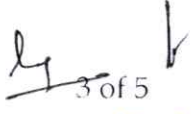
3. LR of the OP submitted since the building is booked by MCD therefore, new connection is not feasible.
4. As far as legal position is confirmed according to DERC (Supply Code and Performance Standards) Regulations 2017, Rule 10 (3) for the new connection proof of ownership or occupancy is required.

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.

5. 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

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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.
6. Arguments of both the parties were heard at length.
7. From the narration of facts and material placed before us we find that the complainant is seeking electricity connection under domestic category at premises no. 181-B, J extension, third floor, Laxmi Nagar, Delhi-110092. The premises of the complainant are booked by MCD under Section 343 and 344 of DMC Act vide letter of Executive Engineer (Building)-II, Shahdara South Zone, MCD addressed to CEO, BSES Yamuna Power Limited reference no. EE(B)-II/Shah(S)/2023/D-1347 dated 19.01.2023. The sale deed submitted by counsel of the complainant shows that the property was purchased by the complainant in the year 2022. The complainant's building and the booked building have same building structure.
- OP filed fresh copy of the MCD booking list which clearly shows the address of booked premises as 181-B against the address of 1818 as alleged by counsel of the complainant.
- The other MCD booking alleged by OP which is of same premise but in Gali no. 6, same cannot be relied upon since OP has only given print out of excel sheet and no details of MCD booking number is given, thus same cannot be relied upon.

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8. Thus, in view of above, we are of considered opinion that the new connection 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 is directed to release him new electricity connections.

The case is disposed off as above.

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


(NISHAT A ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


(S.R. KHAN)
MEMBER (TECH.)


(P.K. SINGH)
CHAIRMAN