

C G R F

B Y P L

C A No. Applied For
Complaint No. 450/2023

In the matter of:

Harpreet ChawlaComplainant

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. Imran Ul Haq Siddiqi, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Mr. Nishant & Ms. Chhavi Rani,
On behalf of BYPL

ORDER

Date of Hearing: 18th July, 2024

Date of Order: 22nd July, 2024

Order Pronounced By:- Mr. Nishat A Alvi, Member (CRM)

1. Present complaint has been filed by the complainant against rejection, of his application for new connection. The ground OP rejected on is that the subject premises are booked by the MCD. Complaint alleged that this ground is false as property was constructed in the year 2021 while the booking is shown of the year 2017. Therefore, the complainant has prayed for the directions of this Forum to grant the OP for release of the connection applied for.

Complaint No. 450/2023

2. In reply to the complaint, OP states that the complainant applied electric connection on the Ground Floor of the premises bearing no. 273, MPL no. 587, new no. IX/1109, GF, Patel Block, Gandhi Nagar, Delhi-110031, for that purpose OP conducted inspection and found firstly- plot is constructed upto second floor and sub-divided into various shops. Secondly- the entire building is commercial and thirdly- building is booked by MCD on account of polluting business therein, booking listed at sl. no. 68 of the list provided by MCD to the OP vide its letter dated 24.11.2017. Regarding connections released in the year 2022 OP clarifies that till that time OP was not aware of the booking as the letter of MCD was not received by the OP by that time. However, appropriate action against those connections has already been started by which the connection holders are required to provide DPCC, and affidavit undertaking not to do any Polluting Business therein so as to continue their connections, failing which the same had to be disconnected.
3. In rejoinder to this reply, in addition to the averments in the complaint, the complainant states that the booking speaks about the closer of polluting units- violating Section 416 of DMC Act 1957. While the complainant's premises was constructed in the year 2021 only and for that purpose OP provided temporary connection also, after due verification of the premises, without any finding of industrial unit at site in the year 2017 itself. Not only this, the addresses of both i.e. the applied and booked premises, are different.

Deekhi

GP

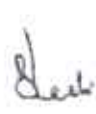
ly

2 of 4

Complaint No. 450/2023

4. In support of their contentions, complainant has placed on record list of the connections granted in the subject premises, deficiency letter, and copies of the concerned bills. On the other hand OP has placed on record MCD letter containing the list of booked premises besides its IR.
5. Heard both the parties and perused the record.
6. As per pleadings, the complainant applied for non-domestic connection on the GF of premises no. 273, MPL no. 587, New no. IX/1109, GF, Patel Block, Gandhi Nagar, Delhi-110031 vide his old request no. 8006556241 and new request no. 8006620740. Against this request OP issued a deficiency letter thereby requiring NOC from concerned agency. In that respect perusal of MCD letter shows that the subjected premises was booked for the reason that polluting units were being run therein, which is in a non-conforming area.

During the course of arguments, counsel of the complainant stated that the complainant is to use the premises to store readymade garments therein which creates no pollution. In proof whereof he offered and produced trade license of MCD. We perused this license which shows that the premises are meant for Godown purpose, which never creates any pollution. Now the only thing remains to bind the complaint that he shall not use the premises for any other purpose than the Godown.

   
3 of 4

Complaint No. 450/2023

7. Since the complainant has fulfilled the requirement of OP, as aforesaid, we don't find any hurdle in grant of the connection.

ORDER

The complaint is allowed with direction to OP to release the new connection as applied for by the complainant under non-domestic category vide new request number 8006620740 after completion of other commercial formalities as per DERC Regulations 2017.

OP shall also file compliance report within 21 days from the date of this order.

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