

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

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SECY/CHN 015/08NKS

C A No. Applied for Complaint No. 563/2024

In the matter of:

Jyotsna MishraComplainant

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. Ashok Ahuja, Counsel of the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 25th February, 2025

Date of Order: 04th March, 2025

Order Pronounced By:- Mr. H.S. Sohal, Member

1. The brief fact of the case giving rise to this grievance is that the complainant applied for new electricity connections at premises no. Part of Plot No.-B-37, First Floor, Jhilmil Industrial Area, Delhi-110095, vide requests no. 8006488137 & 8006713174. The applications of the complainant were rejected by Opposite Party (OP) BYPL on the pretext of MCD, NOC or Completion and Occupancy Certificate required, but complainant stated that on perusal of the said list, it has been observed

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1 of 5

Secretary
CGRF (BYPL)

Complaint No. 563/2024

that contents of list do not confirm with the part of property no.-B-37, where he has applied for new connections. The complaint further stated that plot B-37 is a big plot measuring 2025.3 sq. meters. The property divided into twelve physically separated parts, which further divided floorwise.

2. The respondent in reply briefly stated that the present complaint has been filed by the complainant seeking two new NX category connections for the premises bearing address part of plot no. B-37, FF, G.T. Road, Jhilmil Industrial Area, Delhi-110095 vide request no. 8006488137 and 8006713174. Both the applications for new connections were rejected on grounds of applied address in MCD booking list dated 24.09.2019 at sl. no. 19 and 20.

OP also raised objection that the premises having height more than 15 meters and in view of the applicable Regulations i.e. Rule 27 of DFS, obtaining the NOC from DFS is must.

It is submitted that new connections are provided as per Electricity Act and regulations framed in respect thereto DERC (Supply Code and Performance Standards) Regulations 2017.

3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the applied premises are not booked by MCD. It is also submitted that the complainant is the owner of only first floor and not of the entire building, her premises is well within the prescribed limit of 15 meters. Rejoinder further stated that plot B-37 was earlier a big plot measuring 2025.03 sq. meters which was subsequently divided into 12 physically separated parts and so many new electricity connection in the same property bearing Municipal no. B-37, Jhilmil Industrial Area, G.T. Road,

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11

Secretary
CGRF (BYPL)

Complaint No. 563/2024

4. Arguments of both the parties were heard at length. Both the parties were also directed to conduct joint site visit.
5. From the narration of facts and material placed before us we find that the application of the complainant for new connection was for 1st floor of property bearing no. Plot no. B-37, part, GT Road, Jhilmil Industrial Area, Delhi-110095 which OP rejected on grounds of address appearing in MCD booking list and building height more than 15 meters, requirement of BCC and NOC.

We also find that the site visit report submitted by OP states that there are multiple premises having address B-37, therefore objection of MCD not confirmed.

Regarding the first objection of OP, that building is booked by MCD, the site visit report has cleared that MCD booking is not confirmed therefore, MCD objection raised by OP is not justified.

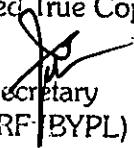
Regarding the second objection of OP, height of the building is more than 15 meters, in this regard, OP in its IR shows building structure as basement+ ground+ three floors over it. From the building structure, the basement is not counted in building height therefore for building height ground + three floors are to be considered which is effectively 4th floor and building structure till 3rd floor is assumed to be within 15 meters height. The IR also shows that there is a small room on the 4th floor but said fact is not mentioned in the reply of the OP. It seems that the small room at the fourth floor is empty.

6. In view of the above, we are of considered opinion that the new connection under non-domestic category as applied for by the complainant can be granted.

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3 of 5

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CGRF (BYPL)

Complaint No. 563/2024

7. Water and electricity is integral part of right of life. Hon'ble Supreme Court in the matter of Dilip (dead) LR Vs Satish, in the case no. SSC 810 dated 13.05.2022 has held that electricity is basic amenity which a person cannot be deprived off. Even on the principle of law there should be equity before law and equal protection of law in the spirit of constitution.
8. Therefore, respondent may be directed to provide the connection with the condition that at the time of release of new connection the complainant should file an affidavit that if in future MCD takes any adverse action against the his property then OP should be at liberty to disconnect the supply of the complaint.

ORDER

The complaint is allowed. Respondent is directed to release the new connections applied by complainant vide application no. 8006713174 at premises no. part of plot no. B-37, first floor, Jhilmil Industrial Area, Shahdara, Delhi-110095 after completion of all the commercial formalities required for giving connection as per DERC Regulations 2017 and submitting the undertaking by the complainant regarding the fact that if in future any authority takes any action, OP will be free to disconnect the new electricity connection without any further notice.

This Order shall be complied within 21 days of the receipt of the certified copy or from the date it is uploaded on the Website of the Forum; whichever is earlier.

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Secretary
DCRE(BYPL)



4 of 5

Complaint No. 563/2024

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) 3/25
MEMBER(TECH.)


(P.K. SINGH)
CHAIRMAN

5 of 5

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