



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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SLC/CHN/GIS/08NKS

CA No. Applied for
Complaint No. 439/2024

In the matter of:

Khalid Mubeen

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. S.R. Khan, Member (Technical)

Appearance:

1. Mr. Imran Ul Haq Siddiqi, Counsel of the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht, Mr. Lalit & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 26th November, 2024

Date of Order: 04th December, 2024

Order Pronounced By:- Mr. P.K. Singh, Chairman

1. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connection at premises no. 4771-72, Ground Floor, Chowk Ahata, Kidara, Bara Hindu Rao, Delhi-110006, vide requests no. 8007000036. The application of complainant was rejected by OP on the pretext Architect Certificate required, Pro-rata on CA No. 100382470 & MCD Objection, but complainant stated that his electricity connection has been declined on false grounds.

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2. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking for one new connection on the ground floor at the premises No. 4771-72, Chowk Ahata, Kidara, Bara Hindu Rao, Delhi-110006, vide request no. 8007000036. The application of the new connection was rejected on the following grounds

Firstly; Applied premises is booked by MCD multiple times on account of unauthorized construction, vide letter no. 226/EE(B)/CSPZ/2018 dated 23.01.2018 at serial no. 47, and vide letter no. 736/SE/CSPZ/2018 dated 28.11.2018 at serial no. 81.

Secondly; Pro-rata dues against CA No. 100382470 and as per share amount to be paid is Rs. 1400/-.

Thirdly; applied premise which is having G+ 4 mixed used premises, Architect Certificate is also a prerequisite condition or a valid, legal and verifiable BCC.

Respondent submits since a new NX Connection is being sought by the complainant which mandates strict compliance of each and every Regulation as contained in DERC (Supply Code & Performance Standards) Regulations, 2017.

3. Counsel for the complainant rebutted the contentions of the respondent as averred in their reply and submitted that the address of the complainant and the building booked by MCD are different. Complainant address is no. 4772-72, Chowk Ahata Kidara, Bara Hindu Rao, Delhi while the address given in the list provided by MCD is 4770-4773, Chowk Ahata Kidara, Sadar Bazar, Delhi. Complainant stated that OP has released several connections in the premises of the complainant from 2018 to 2024, which proves that the OP has wrongly reached to the conclusion that address of the booked



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premises and applied premises are same. Further, the pro-rata which is being asked by the OP of CA No. 100382470 is also not maintainable unless the OP files the said bill showing the address of the complainant applied premises/floor.

4. Heard arguments of both the parties were heard at length.
5. From the narration of facts and material placed before us we find that the complainant applied for new connection under NX category at ground floor of address bearing no. 4771-72, Chowk ahata Kidara, Bara Hindu Rao, Delhi which is rejected by OP on the grounds that the applied property is booked by MCD on two occasions. Secondly, the complainant has to clear the pro-rata dues and thirdly the applied building is mix use building and complainant has applied for NX connection, therefore BCC issued from the competent authority along with NOC from fire department and also a valid Architect Certificate is mandated under the DERC Supply Code.
6. Regarding the first objection of OP that the building is booked twice by MCD, in this regard the complainant stated that the booked building address and his address are completely different. Regarding second objection of OP of pro-rata dues, the complainant stated that pro-rata is also not maintainable unless OP files the said bill showing address of the applied premises/floor. Regarding third objection of OP i.e. requirement of BCC issued from competent authority along with NOC from fire department and valid Architect Certificate, the complainant has not mentioned/replied these points in its rejoinder or even during arguments.



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7. 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.

8. Hon'ble Supreme Court of India in the matter "Supertech Vs Emerald Court Owners Resident Welfare Association (2021) 10 SCC 1, observed that unauthorized construction destroys the concept of planned development and places unbearable burden on basic amenities provide by local authorities. It was imperative for the public authorities to not only demolish such construction but also to impose a penalty on wrong doers involved.

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9. 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.

10. Hon'ble Delhi High Court in the case of W.P. (c) 2453/2019 has held "However, merely because some of the occupants of the building have wrongly been given an electricity connection, it cannot be ground for the court to direct respondents' no. 2 and 3 to further compound the wrong act and direct granting of a new electricity connection to the premises of the petition which is located in the building whose height is more than 15 meters."

11. In view of the above, we are of considered opinion that the building booked by OP is bearing address 4770-4773 and address of applied building is 4771-72 which is clearly evident is part of 4770-4773, therefore the complainant's contention that his building is different from booked building cannot be relied upon. Also, without sanctioned plan, the construction is being carried on, which is clear violation of Section 332 of DMC Act 1957. Therefore, we are of the opinion that the premises have been constructed in violation of Rules and Regulations as per law. Therefore, OP cannot be compelled to release the connection.



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ORDER

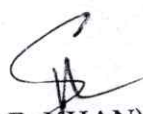
Complaint is rejected. Respondent has rightly rejected the application of new connection of the complainant.

The parties are hereby informed that the instant Order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order.

If the Orders are not appealed against within the stipulated time or no interim stay thereon has been granted by the Ombudsman, the same shall be deemed to have attained finality.

Any contravention of these Orders is punishable under Section 142 of the Electricity Act 2003.


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P. SINGH)
CHAIRMAN

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