

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 0150RNKS

C A No. Applied for

Complaint No. 220/2022

In the matter of:

LalitaComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

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. Shanky R.S. Gupta, A.R. of the Complainant
2. Mr. Imran Siddiqi, Ms. Ritu Gupta, Ms. Amita Sharma, Mr. Shubham Singh & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 03rd January, 2023

Date of Order: 05th January, 2023

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

1. This complaint has been filed by Ms. Lalita, against BYPL-CTR.
2. The brief facts of the case giving rise to this grievance are that complainant Ms. Lalita applied for new electricity connection at premises no. 1/68885, Street 5, East Rohitash Nagar, Shahdara, Delhi-32 vide application no. 8005926696, 8005926749, 8005926793, 8005926793,

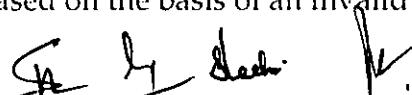
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8005926735, 8005926769 & 8005926711 but respondent rejected her applications for new connection on the pretext of MCD's NOC or Completion cum Occupancy Certificate is required.

3. The respondent in reply briefly stated that the complainant applied for fresh electricity connection vide request no. 8005926749 for ground floor, shop no. 2 at property no. 1260-A/37A, 1/6885, Street No. 5, East Rohtash Nagar, Shahdara, Delhi.

OP further submitted that as per site visit report building is ground plus four floors over it and no meter exist at site. Also, applied address is in MCD objection list (serial no. 34) bearing letter no. EE(B)-II/SH-N/2019-D-722 as such no new connection is possible. OP further added that building completion certificate (BCC) submitted by consumer has been issued by Architect Nishant Singh and as per communication received from MCD, BCC issued by architect Nishant Singh is not to be taken into consideration for releasing new connection.

4. Representative of the complainant submitted that they have submitted the Building Completion Certificate from certified Architect on dated 20.01.2022 and same is also reflecting on MCD Portal or website wherein status is showing as "**completion certificate issued**" against property no.1/6885, Plot No. 1/6885, old no. 1260-A/37-A, Kh.No. 1397/330, Gali No. 5, East Rohtash Nagar, Shahdara, Delhi-32.
5. On the other side, LR of OP filed two documents i.e. an email from Executive engineer Building, MCD, and order passed by Dy. Commissioner, EDMC, Delhi, thereby submitting that since the subject certificate has been issued by debarred Architect it can't be relied upon and connection can't be released on the basis of an invalid

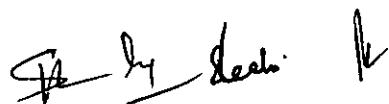


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document/certificate in response to query dated 24.01.2022 in relation to release of connection on the basis of BCC issued by the said Architect.

6. Heard both the parties and perused the record. From the perusal of evidence placed on record pleadings and after hearing both the parties it is transpired that the applied premises are in the objection list of East Delhi Municipal Corporation. Therefore, OP, by issuing deficiency letter required complainant to provide Building-cum-Completion certificate issued by corporation. Complainant submitted the required BCC. The basis of BCC is the report /confirmation of Architect Nishat Singh. As per OP the said architect has been debarred by the Corporation. In support whereof OP placed on record copy of order of Dy. Commissioner of the Municipal Corporation debarring him from issuing any such report in addition to copy of email sent to OP by Executive Engineer (Building) of the Municipal Corporation. Perusal of the order shows that report of 26 properties of the premises falling in Shahdara Zones , Delhi, were scrutinized and it was found that in preparing the said reports the said Architect has violated the Provisions of Unified building bye-laws 2016. Said Architect despite opportunity to show cause did not clarify his position. Consequently, he was debarred by this order of Dy. Commissioner. The applied premises also fall in the same Shahdara Zone.

7. Perusal of email dated 25.01.2022 reveals that it was sent by Executive Engineer, EDMC to OP. In reply of a query of OP dated 24.01.2022 requiring to clarify the position/status of occupancy-cum-completion certificate, issued by said Nishant Singh, Architect, in releasing the

 A handwritten signature in black ink, appearing to read "Shyam Deekshatulu".

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connection. This reply though relating to some other property, but it is clarified that all completion certificates issued by Er. Nishant Singh, Architect, should not be considered for releasing new connection.

8. As far as legal position is confirmed according to DER (Supply Code and Performance Standards) Regulations 2017, Rule 10 (3) for the new connection proof of ownership or occupancy is required.

Perfoma for new connection has been provided in DER (Supply Code and Performance Standards) Regulations 2017 as annexure 1, seven declarations are required as per perfoma 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."

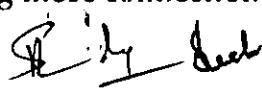
DER (Supply Code and Performance Standards) Regulations 2017, Rule 11 (2)(iv)(c) shows that "the Licensee shall not sanction the load, if upon inspection, the Licensee finds that;

(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.

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.

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10. We also observe that the Occupancy-cum-completion certificate under consideration was also of the same period i.e. dated 20.01.2022. Hence in the facts and circumstances we are of the considered opinion that the occupancy-cum-completion certificate is not a legally enforceable document. Consequently, the same cannot be relied upon to release the electricity connection unless a valid and legally enforceable certificate is submitted by the complainant.

11. Therefore, rejection of complainant's application no. 8005926749 for new electric connection at GF, Shop No. 2 at property no. 1260-A/37A, 1/6885, Street No. 5, East Rohtash Nagar, Shahdara, Delhi, by OP BYPL is justified and based on safety and security.

Complaint being not maintainable is hereby dismissed.

Accordingly, the case is disposed off.

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