



C A No. Applied for
Complaint No. 204/2024

In the matter of:

Mohd. Aslam

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

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. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. Akshat Aggarwal & Ms. Chhavi Rani On behalf of BYPL

ORDER

Date of Hearing: 4th July, 2024
Date of Order: 08th July, 2024

Order Pronounced By:- Mr. S.R. Khan, Member (Technical)

1. The brief facts of the case giving rise to this grievance are that the complainant applied for three new electricity connections at premises no. 1883, First/Floor, Gali Pattey Wali, Suiwalan, Daryaganj, Delhi-110002, vide requests no. 8006861979, 8006861985 & 8006861974. The application of complainant was rejected by Opposite Party (OP) BYPL on the pretext of Dues Exists, MCD Objection and Unauthorized Construction.

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2. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking for new connections at premises No. 1883, First/Floor, Gali Pattey Wali, Suiwala, Daryaganj, Delhi-110002, vide requests no. 8006861979, 8006861985 & 8006861974. The application of the new connection was rejected on account of multiple dues and property is in MCD Objection list of unauthorized construction Vide letter no. D-331/EE(B)-II/City-S.P.Zone/2024 dated 17.01.2024 at serial No. 06. Property is booked for Unauthorized Construction of the First Floor, Second Floor, Third Floor, 4th Floor & 5th Floor including projection on mpl. Land.

OP also stated that building structure consists of Ground plus five floors over it. The applied floors are the first, third, and fourth floors. Further, the building was found to be a mixed building use both for commercial as well as residential purpose.

Beside the MCD objection, the new connections were not released due to various outstanding dues of multiple electricity connections of the same premises, the details where are as under:-

S.No.	R/C	CA. No.	Amount	Address
1	Naseem Ahmed	100298820	5,194/-	G/F
2	Naseem Ahmed	100298922	3,482/-	G/F
3	Ansarullah	100309282	13,898/-	No Floor
4	Md. Din	100327593	25,342/-	G/F
5	Md.	100395173	4,876/-	G/F
6	Nisarullah	100455016	39,000/-	No Floor

Besides the aforesaid dues, enforcement dues are also pending in respect of CA No. 400175355 and 401644588. As per the ownership documents placed on record, the complainant is the co-owner of the subject property bearing no. 1883 and as such the complainant is liable to clear the outstanding dues before seeking any new connection.

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3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the property of the complainant is not booked by MCD and there are no multiple dues pertaining from the complainant in respect of his premises as there are seven live electricity meter running upon the said property. Complainant stated that the OP has not issued any such demand notice in order to recover the alleged dues.
4. Both the parties were directed to conduct joint site visit report. The site visit report was placed on record and it stated as under:-
 - a) There is only one building having address 1883, Gali Pattey Wali, Suiwalan, Daryaganj, Delhi-110002 which is same as applied address.
 - b) MCD booking address and applied address are also same.
 - c) The complainant has admitted that the building was punctured by MCD and he has got it repaired.
5. From the joint site visit report submitted by which is duly signed by the complainant it is clear that the building of the complainant is the only building which is booked by MCD. Thus, it is an admitted fact on the part of the complainant, therefore, new electricity connections as applied for by the complainant cannot be granted.
6. 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 3th

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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.

7. 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.

8. Thus, in view of above, we are of considered opinion that the new connections 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.

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Attested True Copy


Secretary
CGRF (BYFL)


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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 should to release him new electricity connection, subject to fulfilling any other required formalities.


The case is disposed off as above.

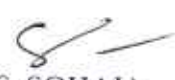
No order as to the cost. Both the parties should be informed accordingly.
Proceedings closed.


(S.R. KHAN)
MEMBER-TECH


(P.R. SINGH)
CHAIRMAN


(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER

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