

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
Phone: 32978140 Fax: 22384886
E-mail:cgrfbyp@hotmail.com
SECY/CHN 015/08NKS

C A No. Applied for
Complaint No. 110/2022

In the matter of:

Mohd BilalComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmed Alvi, Member (CRM)
3. Mr. S.R. Khan, Member (Technical)
4. Mr. P.K. Agrawal, Member (Legal)
5. Mr. Vijay Singh, Member

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Mr. Imran Siddiqi, Mr. Prateek Pahawa, Ms. Shweta Chaudhary & Mr. Shubham Singh, On behalf of BYPL

ORDER

Date of Hearing: 01st November, 2022

Date of Order: 07th November, 2022

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

1. This complaint has been filed by Mohd Bilal against BYPL-CCK.
2. The brief facts of the case giving rise to this grievance are that complainant Mohd Bilal applied for new electricity connection at premises no. 2176, third floor of Ahata Kaley Sahib, Qasim Jan,

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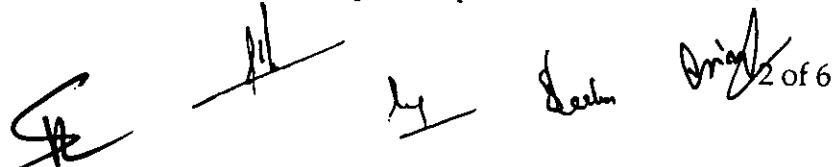
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Ballimaran, Delhi-110006 vide application no. 8005579694. He further submitted that the premises where the connection is sought to be installed is constructed as per sanctioned plan by NDMC, but respondent rejected his application for new connection on pretext of Address is in MCD objection list.

3. The respondent in reply briefly stated that Mohd Bilal applied for new electricity connection for domestic purpose vide application no. 80055796694 at 2176, 3rd floor, Ahata Kaley Sahib, Gali Qasim Jan, Ballimaran, Delhi-110006. The complainant's request for new connection was rejected due to address of the premises for which new connection is applied appearing in MCD objection list as per letter no. 145/90 N/B/UC/CSPZ 2021 dated 16.11.2021, booked for unauthorized connection at 3rd floor and 4th floor. Ground floor to Second floor is old and occupied.

OP further submitted that that during site verification of applied premises, it was found that address for which the new electricity connection applied is appearing in the objection list of EDMC; therefore, Occupancy cum Completion Certificate is required.

4. Heard both the parties and perused the record.
5. The issue in this matter is can new connection be released in the premises which are booked by Municipal Corporation.
6. Heard the arguments of Authorized Representative of the complainant and OP-BYPL. Representative of the complainant has submitted that he got building plan approved by Municipal Corporation on 21.12.2020

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and also deposited building permit fees amounting to Rs. 140958/- . He has applied for new electricity connection vide application no. 8005579694 at the third floor of the premises.

7. In this record, LR of OP submitted that they have received a list under section 343 and 345 of DMC Act-1957 dated 16.11.2021 - against unauthorized construction at third floor and fourth floor of premises no. 2176, Ahata Kaley Sahib, Gali Qasim Jan, Ballimaran, Delhi-110006 from office NDMC and complainant's premise is listed at sl. No. 44 of the said list, therefore, they rejected the application of new connection of the complainant.
8. Brief facts necessary for disposal of this complaint is Mohd. Bilal applied for new electricity connection at premises no. 2176, 3rd floor, Ahata Kaley Sahib, Gali Qasim Jan, Ballimaran, Delhi-110006 vide application no. 8005579694 for above mentioned third floor. NDMC building department City SP Zone, has given acknowledgment/receipt under Saral Scheme of UBBL-2016 received from Mr. Suhail Yusuf, resident of 2176, situated at Ahata Kaley Saheb, Qasimjan, Street Ballimaran, Delhi for intimation of construction start in plot no. VIBT2176 address VI/2176, situated at Ahata Kaley Saheb, Qasimjan Street Ballimaran, Delhi-110006 has been received on 21.12.2020 alongwith building permit fees amounting to Rs. 140,958/- deposited online.
It has been submitted that 3rd floor of above premises has been constructed following all rules and map sanctioned after depositing the required amount.

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9. The application of applicant has been rejected only on the ground that address of the premises for the new connection is under MCD objection list as per 145/90 N/B/UC/CSPZ 2021 dated 16.11.2021.
10. From the perusal of record it is apparent that premises no. 2176, Gali Chowkidar, Ballimaran, Delhi-110006, 3rd & 4th floor is booked by MCD being unauthorized connection. The NDMC has booked these premises under Section 343 & 344 of DMC Act 1957.
11. 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.

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12. 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.

13. The complainant's map for construction has been sanctioned on the following conditions:-

(a) The above intimation shall not in any way relieve the owner(s)/Builder/Architect/Engineer from full responsibility of carrying out the work in accordance with the Building Bye laws and in case of any violation, they shall be liable for action under the law. This is only an acknowledgement of the intimation of construction that given by the applicant. However, full responsibility of carrying out the work in accordance with the building bye laws shall solely & squarely die with the owner/building/architect/engineer and in case of any building bye laws violations; they only shall be liable for action under the law.

14. The complainant has not filed the completion certificate of MCD which shows that he has not constructed as per map dated 21.12.2020. The above premises have been booked by NDMC on 16.11.2021 which is later to the map sanctioned date 21.12.2020, which shows that above premises has not been constructed as per map sanctioned by NDMC.

  
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15. Therefore, we are of the opinion that third floor of the premises has been constructed in violation of Rules and Regulations as per law. Therefore, OP cannot be compelled to release the connection.

ORDER:-

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

The case is disposed off as above.

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

Sept 17/122
(S.R. KHAN)
MEMBER-TECH

dear.
(NISHAT AHMAD ALVI)
MEMBER-CRM

17/11/22
(P.K.SINGH)
CHAIRMAN

by
(P.K.AGRAWAL)
MEMBER-LEGAL

Viraj
(VIJAY SINGH)
MEMBER