



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

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C A No. Applied For Complaint No. 238/2024

In the matter of:

Mohd BilalComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat A Alvi, Member (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. Mr. Akash Swami, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 09th July, 2024

Date of Order: 10th July, 2024

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

1. The brief facts of the case giving rise to this grievance are that complainant Mohd Bilal applied for new electricity connection at premises no. 2193-2194, Kalyanpura, Turkman Gate, Daryaganj, Delhi-110006, vide application no. 8006878773. The application of consumer was rejected by Opposite Party (OP) BYPL on the pretext of requirement of Architect Certificate, building structure ground + four floors, dues

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exists.

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2. The respondent in reply briefly stated that new electricity connection has been applied by the complainant at fourth floor of premises no. 2193-2194, Kalyanpura, Turkman Gate, Daryaganj, Dehi-110092. OP further added that an application seeking domestic connection for the aforementioned address was received vide request no. 8006878773. The application of the complainant was denied on the basis ownership documents dispute exist and no locus standi qua the applied premises as sale deed submitted pertains to third floor but the connection is being sought on fourth floor. Applied building structure comprises of ground plus four floors and mix use building for which either BCC or fire clearance certificate is required. Reply also added that height of the applied premises is more than 15 meters which mandates the requisite architect certificate. Also, there are pending energy dues against CA No. 100235447, 100262230, 100235317 and 100261702. Thus, new connection to the complainant can only be released only after fulfillment of above deficiencies.
3. Counsel of the complainant in its rebuttal refuted the contentions of OP as averred in their reply and submitted that the complainant has a good prima and locus standi to file the present complaint qua release of new connection on fourth floor, as the complainant is owner of third floor with roof rights. The rejoinder also submitted that the complainant is ready to submit Architect Certificate and the dues do not pertain to him.
4. Heard both the parties and perused the record.
5. The issue is whether the connection of the complainant vide application number 8006878773 can be released?

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CGRF (BYPL)

6. Before disposing off the application of the complainant, it is relevant to discuss the rules and regulations applicable to this issue.

Regulation 10. New and Existing Connections:-

(3) Proof of ownership or occupancy of the premises:- Any of the following documents shall be accepted as the proof of ownership or occupancy of premises:-

- (i) certified copy of title deed;
- (ii) certified copy of registered conveyance deed;
- (iii) General Power of Attorney (GPA);
- (iv) allotment letter/possession letter;
- (v) valid lease agreement alongwith undertaking that the lease agreement has been signed by the owner or his authorized representative;
- (vi) rent receipt not earlier than 3 (three) months alongwith undertaking that the rent receipt has been signed by the owner or his authorized representative;
- (vii) mutation certificate issued by a Government body such as Local Revenue Authorities or Municipal Corporation or land owning agencies like DDA/L&DO;
- (viii) sub-division agreement;
- (ix) For bonafide consumers residing in JJ clusters or in other areas with no specific municipal address, the licensee may accept either ration card or electoral identity card mandatorily having the same address as a proof of occupancy of the premises.

7. In view of the above, we find that OP has raised four fold deficiencies, first the property documents submitted by the complainant are of third floor and he has applied for new electricity connection on fourth floor.

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CGRF (BYPL)

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Secondly, the height of the building is more than 15 meters, he is required to submit architect certificate to this effect. Thirdly, the building is mixed use in nature thus BCC is also required to be submitted. Lastly, there are pending dues which are required to be clear before release of new electricity connection.

8. During the arguments, the counsel of the complainant admitted to clear the outstanding dues for release of new electricity connection. Regarding submission of Architect Certificate, the counsel of the complainant agreed to submit the same.

Regarding submission of BCC/fire clearance certificate, Forum feels that in the present case BCC is not required as the complainant has applied for new connection under domestic category and Architect Certificate would be sufficient for this purpose.

As per the above said Regulation, the complainant requires to submit proof of ownership or occupancy for release of new electricity connection in his favour. In this regard, registered sale deed is placed on record and on perusal of the sale deed it is clear that there are four floors in the building and the complainant become owner of third floor through this sale deed dated 27.02.2023. the sale deed clearly mentions that the vendor (here the complainant) has become sole and absolute owner and in possession of one built up two room set at third floor area measuring 43 sq yards i.e. plinth or covered area measuring 36.95 sq meters, with roof rights, common passage, stairs, entrance, part of free hold property bearing no. 2193-2194.

In the said deed, it is nowhere mentioned that the complainant has right to built upon the roof. Sale deed clearly shows that the complainant is owner of 36.95 sq meters area only. Area of roof is not included in the sale deed. Thus, it is clear that for grant of new electricity connection on the fourth floor, the complainant has to show proof of occupancy.

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9. Therefore, in view of above, rejection of application of new connection of the complainant is justified. The complainant can be granted new electricity connection on the production of proof of ownership of the fourth floor, submission of Architect Certificate and clearing pending dues.

ORDER

The complaint is rejected. OP 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.


(S.R. KHAN)
MEMBER-TECH


(P.K. SINGH)
CHAIRMAN
10/7/24


(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER

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