



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
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SECRETARY BSES YAMUNA

C A No. Applied For
Complaint No. 57/2024

In the matter of:

Mohd Gurfan

.....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 (Tech.)

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Mr. Akash Swami, Mr. R.S Bisht & Ms. Chhavi Rani, on behalf of respondent

ORDER

Date of Hearing: 21st May, 2024

Date of Order: 28th May, 2024

Order Pronounced By: - Mr. P.K. Agrawal, Member (Legal)

1. The complaint has been filed by Mohd Gurfan against BYPL-Daryaganj. The brief facts of the case giving rise to this grievance are that Mohd Gurfan applied for new electricity connection vide request no. 8006666316 at premises no.3387, 2nd Floor, Ward no-XL, Bazar Delhi Gate Delhi-110002, but respondent rejected the application of

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the complainant for new connection on the pretext of MCD Objection, completion certificate required and energy dues against CA', but complainant stated that said property has not been booked by MCD and there are multiple properties of same address. Therefore, he requested the forum to direct the respondent for release of new connection.

2. OP in its reply briefly stated that the complainant is seeking new electricity connection at property bearing no. 3387, 2nd Floor, Ward no-XL, Bazar Delhi Gate Delhi-110002, vide request no. 8006666316. Inspection was done by the respondent and during the same it was found that the applied premises is under MCD objection list no. D-263/EE(B)-II/City-S.P. Zone/2021 dated 24.12.2021, on account of unauthorized construction in the shape of entire GF, Mezzanine Floor, First Floor, Second Floor, Third Floor, Fourth Floor, Fifth Floor & Sixth Floor Old & Occupied). This makes the instant application made by the complainant inconsistent with the applicable provisions and guidelines as stipulated under the Delhi Electricity Regulatory commission (Supply Code & Performance Standards) Regulations, 2017.

3. In response to the reply the complainant filed rejoinder. The complainant has applied one new electricity connection at second floor of premises bearing no. Ward no-XL, Bazar Delhi Gate Delhi-110002. Rejoinder further stated that the property in question is constructed ground floor plus five floor and two units exists on each floor of the said property, it is further submitted that actually the number of the property is 3387 and thereupon 60-70 houses of same number exists. It is further submitted that the complainant purchased

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the second floor of the said property without roof right by virtue of registered sale deed dated 20.10 2020. As per MCD booking list, the address of the property of the complainant is mentioned as 3387, Bazar Jain Mandir, Delhi Gate, Delhi and the complainant has applied for electricity connection upon the property bearing no 3387, Ward no 10, Bazar Delhi Gate, Delhi. It is further submitted that the respondent has already sanctioned seven electricity connections upon the said property on different floor in the year 2021.

4. Site visit report submitted that applied building structure is ground + mezzanine + six floors. Total number of building of same address is 17 buildings approx. All the meters of the same building address are installed at one place. At the time of site visit, complainant was called on provided contact number but was unable to contact the complainant. No one on behalf of the complainant was present at site, applied address was found locked. Total 62 numbers of meters exists at one place and all are having same address.
5. Arguments of both the parties are heard and perused the record.
6. The main issue in the present case is whether new connection can be released in the MCD booked premises and if there are multiple premises of same address.
7. From the narration of facts and material placed before us we find that the premises where new connection is applied for by the complainant is having address 3387, 2nd floor, Ward no. XL Bazar, Delhi Gate, Delhi-110002. It is evident from the site visit report that there are multiple premises of same address and already total 62 meters exists.

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The site map on site visit report shows multiple premises of same address but the building structure of the premise where complainant applied for new connection completely matches with the description of property mentioned in MCD objection list vide no. D-263/EE(B)-II/City-S.P. Zone/2021 dated 24.12.2021.

Regarding the another objection of counsel of the complainant that OP has released seven connections in the same address in August 2021, does not substantiate here as the MCD booked the premises in December 2021 and connections were released in August 2021, i.e. prior to the booking of MCD.

8. 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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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. 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.


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 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.


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN

for
A. Kumar
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CGRF (BYPL)