

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 015/08NKS

C A No. Applied for
Complaint No. 471/2024

In the matter of:

Mohd HaroonComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh (Chairman)
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. S.R. Khan, Member (Technical)
4. Mr. H. S. Sohal, Member

Appearance:

1. Mr. Nishikant Ray, Counsel of the complainant
2. Mr. Akash Swami, Mr. R. S. Bisht, & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 07th January, 2025

Date of Order: 13th January, 2025

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

1. The brief fact of the case giving rise to this grievance is that the complainant applied for a new electricity connection at premises no. 4231, Fourth Floor, Ansari Road, Daryaganj, Ward No.-XI, Delhi-110002, vide request no. 8007039132. The application of complainant was rejected by Opposite Party (OP) BYPL on the pretext of Fire Clearance Certificate Required (Building structure Ground+ Mezzanine Floor+ Four Floor.

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Secretary
CGRF (BYPL)

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2. The respondent in reply briefly stated that the present complaint has been filed by the complainant seeking new electricity connection at the fourth floor of the property bearing no. 4231, Ansari Road, Daryaganj, Ward No.-XI, Delhi-110002, vide request no. 8007039132. The application of the new connection was rejected on account of Firstly; Building structure comprises of Ground+ Mezzanine+ Four Floors, having height more than 15 meters. Secondly; Inconsistent Title documents as floor of the applied premises does not find mention in the set of documents filed by the complainant who is the tenant and relied upon the NOC given by the owner. **Violation of 10 (3) of the DERC Regulations, 2017.**
3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the OP admitted fourth floor. The rejoinder further stated that fifth floor already have electricity connection vide CA No. 154330649 in the name of Shama Parveen meter installed on 28.12.2023, and on the same floor other flats which belongs to the applicant, there is no electricity connection. The building height is according to DERC Rules and Regulations. Therefore, there is no requirement of NOC/BCC, Fire Clearance from the competent authority.
4. Heard arguments of both the parties at length.
5. Before disposal of the present case, we should go through the relevant Regulations as prescribed in DERC Regulations 2017 for grant new electricity connection. Sub-Regulation (3) of Regulation 10 is narrated here:

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10. New and existing connection:-

(3) Proof of ownership or occupancy of this premise:-

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 registered conveyance deed;
- iii. General Power of Attorney (GPA);
- iv. Allotment letter/possession letter;
- v. Valid lease agreement alongwith agreement undertaking that the lease agreement has been signed by the owner or his authorized representative;
- vi. Rent receipt not later 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 Authorized 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.

Hon'ble Delhi High Court in the case of W.P. (c) 2453/2019 has held "However, merely because some of the occupants of the building have wrongly been given an electricity connection, it cannot be ground for the court to direct respondents' no. 2 and 3 to further compound the wrong act and direct granting of a new electricity connection to the premises of the petition which is located in the building whose height is more than 15 meters."

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6. From the perusal of the file it is clear that the complainant Mohd. Haroon has requested the electricity connection and showed himself as owner of 4th floor vide sale deed dated 17.01.2018. He changed his status from owner of 4th floor as licensee of 4th floor vide affidavit dated 07.01.2025, where he has mentioned that due to clerical mistake he mention himself as owner vide sale dated 17.01.2018. Fazlur Rehman purchased the 4th floor, and give NOC for licensee for application of new connection. The Sale Deed available on record shows that one Sh. Pawan Kr Jain sold the flat to one Sh. Fazlur Rehman vide Sale Deed dated 17.01.2018. Sale deed show that the Pawan Kr Jain was owner of first floor and second floor of above building and not the 4th floor of above building. Complainant has not filed any valid document to prove his ownership as per Regulation 10 (3) of the DERC Supply Code 2017.
7. The Regulation 10 (3) of the DERC Supply Code 2017 has mandate requirement of ownership proof for grant of new electricity connection. Also, the above stated Hon'ble High Court of Delhi's order, if OP has done something wrong, then it cannot be ground for the court to direct OP to repeat it again.
8. Therefore, we feel that in the absence of ownership poof, this Forum is unable to give and relief of the complainant.

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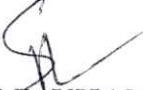
ORDER

The complaint is rejected. OP is directed that if in near future the complainant produce ownership documents, they should release the new electricity connection to the complainant after fulfillment of the other commercial formalities as per DERC Regulations 2017.

The parties are hereby informed that instant Order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order.

If the Order is not appealed against within the stipulated time, the same shall be deemed to have attained finally.

Any contravention of these Orders is punishable under Section 142 of the Electricity Act 2003.

 (H.S. SOHAL)  (P.K. AGRAWAL)  (S.R. KHAN)  (P.K. SINGH)
MEMBER MEMBER (LEGAL) MEMBER(TECH.) (CHAIRMAN)