

C G R F



B Y P L

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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SECV/CHN/DR/2024

C A No. Applied For
Complaint No. 249/2024

In the matter of:

Mohd Salman

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

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 (Tech.)
5. Mr. H.S. Sohal, Member

Appearance:

1. Mohd Aslam Parvez, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S Bisht, Ms. Chhavi Rani, & Mr. Lalit, on behalf of respondent

ORDER

Date of Hearing: 20th Aug, 2024

Date of Order: 27th Aug, 2024

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

1. The complaint has been filed by Mohd Salman against BYPL-Daryaganj. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connection vide request no. 8006851074 at premises no. H.No.-548 4th Floor, Gali paper wali, Mohalla Rakab Ganj, Meer Khan, Daryaganj, Delhi-110002.

1 of 5

But respondent rejected the application of the complainant for new connection on the pretext of Enforcement dues and energy dues against CA, building completion certificate required and architect certificate required (G+4 mix building) & Applicant applied on 4th floor but complainant stated that the application for new connection has been declined on false grounds complainant has also filed this case in PLA but case has been dismissed or withdrawn, thereafter the complainant filed this case in CGRF.

2. OP in its reply briefly stated that the complainant is seeking new electricity connections on the fourth of the premises bearing no. - 548 4th Floor, Gali paper wali, Mohalla Rakab Ganj, Meer Khan, Daryaganj, Delhi-110002. The application bearing no. 8006851074 of the complainant was rejected due to outstanding dues against the said premises in respect of CA no. 100414116 calculated on a pro rata basis i.e. Rs. 3880/- and enforcement dues for CA no. 40040015 and 400040080 which need to be cleared as precondition for grant of new connection as per Supply Code 2017 and also as building structure is ground plus four floors as such Architect Certificate of approved MCD architect is required in respect of height of the building. As per the SVR dated 18.03.2024 it was found the building structure consists of the ground floor and four floors over it. In the applied building the following electricity connection were installed.

S.No.	CA No.	FLOOR WISE	CATEGORY
1.	100315120	Ground Floor	NX
2.	100414138	First Floor	DX
3.	152561817	Second Floor	DX
4.	152561816	Third Floor	DX

As there exists energy dues pertaining to the subject premises and height of the commercial building may be more 15 meters, therefore no new connection can be provided till the complainant clears the outstanding dues and submits architect certificate.

3. In response to the reply the complainant filed rejoinder stating therein that the complainant has applied one new electricity connection at premises bearing no. 548 4th Floor, Gali Paper Wali, Mohalla Rakab Ganj, Meer Khan, Daryaganj, Delhi-110002. Rejoinder denies allegations of OP that the complainant has to clear outstanding dues of CA no. 100414116. Also as building structure is ground plus four floor as such architect certificate of proved MCD architect is required in respect of high of the building. It is submitted that the complainant purchased unconstructed terrace thus the question of payment of enforcement bill is unjustified, illegal and violation of natural justice. It also states that the enforcement bills pertains to the period 2008 and 2010, thereafter OP has released connections on the 3rd floor and 2nd floor of the applied building and had not recovered dues during the release of both connections.
4. Arguments of both the parties are heard at length.
5. From the narration of facts and material placed before us we find that the complainant has applied for new domestic connection on the fourth floor of H. No. 548, Gali Paper Wali, Mohalla Rakab Ganj, Meer Khan, Daryaganj, Delhi-110002. OP rejected application of the complainant on pretext of building height more than 15 meters and pending energy and enforcement dues.

Complaint No. 249/2024

6. Regarding the first objection of the OP, since the complainant has applied for new electricity connection on the fourth floor under domestic category and the building is domestic in nature, therefore the complainant should file an Architect Certificate from the MCD approved Architect.

7. Regarding the other objection of OP that there are energy and enforcement dues, the complainant is ready to pay the pro-rata share of energy dues amounting to Rs. 3880/-.

For enforcement dues, the complainant became owner of the roof/terrace at third floor of property bearing no. 548, Gali Paper Wali, Mohalla Rakab Ganj, Ganj Meer Khan, Darya Ganj, Delhi-110002 on 10.12.2020, whereas the theft bills pertains to the year 2008 and 2010 and since then OP has not taken any action for recovery of said dues. Since complainant became owner of the 4th floor in the year 2020, he is not entitled to pay the theft dues.

8. In view of the above, we are of considered opinion that new connection should be granted to the complainant on submission of Architect Certificate from MCD approved Architect and also payment of pro-rata bill of Rs. 3880/-. The complainant is not liable to clear the enforcement dues.

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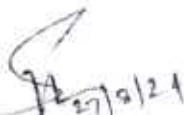
ORDER

The complaint is allowed. OP is directed to release the new connection to the complainant as applied for by him under domestic category at the fourth floor of his premises no. 548, Gali Paper Wali, Mohalla Rakab Ganj, Ganj Meer Khan, Darya Ganj, Delhi-110002 subject to submission of Architect Certificate and payment of pro-rata dues of Rs. 3880/- and also after completion of other commercial formalities as per DERC Regulations 2017.

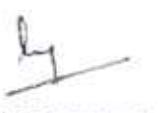
OP is further directed to file compliance report within 21 days from the date of this order.

The case is disposed off as above.

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


(S.R. KHAN)
MEMBER -TECH


(P.K. SINGH)
CHAIRMAN


(P.K AGRAWAL)
MEMBER -LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER