



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. 35/2023

In the matter of:

Mukesh Kumar GuptaComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Shanty R.S. Gupta, A.R. of the complainant
2. Ms. Ritu Gupta, Ms. Amita Sharma & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 14th March, 2023

Date of Order: 15th March, 2023

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

1. This complaint has been filed by Mr. Mukesh Kumar Gupta, against BYPL-GTR.
2. The brief facts of the case giving rise to this grievance are that complainant Mr. Mukesh Kumar Gupta applied for new electricity connection vide order no. 8005413494 at premises no. 2/2, First floor, Plot no. 555, GT Road, Mansarovar Park, Shahdara, Delhi-32,

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Sree
Secretary
CGRF (BYPL)

Complaint No. 35/2023

but respondent rejected his application for new connection on pretext of premises booked by MCD. Therefore, complainant has prayed this Forum for grant of his complaint by issuing directions to the respondent to allow his application for new connection.

3. OP in its reply briefly stated that the complainant applied for new electricity connection vide application no 8005413494 at property no. 2/2, Plot no. 555, GT Road, Mansarover Park, Delhi-32. It is also their submission that the complainant was asked to submit either BCC or NOC from MCD as applied address was found in four MCD objection lists vide letter no. EE(B)-II/SH-N/2021/D-175, EE(B)-II/SH-N/2021/D-461, EE(B)-II/SH-N/2021/D-815 and EE(B)-II/SH-N/2021/D-664. OP further added that at the time of site inspection it was found that building consists of ground plus one floors over it. One temporary meter no. 55333667 exists on site which needs to be removed.
4. Arguments of both the parties are heard.
5. Representative of the complainant submitted that the applied portion is different from the booked portion, therefore, they may be granted new connection.
6. LR of the OP submitted that it is the complainant's premises which are booked by MCD. The address of the complainant in MCD list is Kh. No. 555/2/1 adjacent to 552/2/1 (lucky general store) Moti Ram Road, Mansarover Park, Shahdara, Delhi and his premises is booked in the shape of ground floor and first floor upto the level of column raising of brick work without SBP with projection on Mpl. Land (area-50 sq. yards). Name of owner/occupier given in the MCD letter is Mukesh Gupta, who is the complainant in the case.

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7. 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.

Perfoma for new connection has been provided in DERC (Supply Code and Performance Standards) Regulations 2017 as annexure 1, seven declarations are required as per perfoma 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.

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.

Re by *V* 3 of 4

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8. From above discussions it is clear that complainant has applied new connection which was rejected by OP on the pretext of premises booked under Section 343 and 344 of DMC Act vide letter no. EE(B)-III/Sh-S/2020/D-461 dated 09.04.2021 appearing at Sl. No. 45. The complainant argued that the address mentioned in the list is of adjoining property and it is not his property which is booked by MCD. On perusal of the list, we find that it is clearly mentioned Kh. No. 555/2/1, adjacent to 552/2/1, Lucky General Store. MCD has very clearly pointed out that the property is owned by Sh. Mukesh Gupta. As per property documents submitted by the complainant, the area of property is 44.44 sq. yards, MCD has pointed out on encroachment of 50 sq. yards. It is therefore, clear that adjoining area has been encroached by the complainant. It does not make any difference if it is numbered 2 or 3, because numbers are not allotted by MCD. Complainant has not been able to produce any evidence to prove it otherwise. Therefore, we conclude that it is only complainant's premises which are booked by MCD.

9. Hence, we are of the opinion that the premises have 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.

Deekhi
(NISHAT A. ALVI)
MEMBER (CRM)

by
(P.K. AGRAWAL)
MEMBER (LEGAL)

S. 15/3/21
(S.R. KHAN)
MEMBER (TECH.)

15/3/21
(P.K. SINGH)
CHAIRMAN