

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-110031

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SECY/CHN 015/08NK

C A No. Applied For
Complaint No. 232/2023

In the matter of:

Mukesh Mishra

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

Appearance:

1. Mr. Mehar Singh, Complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht & Ms. Seema Rawat, On behalf of BYPL

ORDER

Date of Hearing: 18th July, 2023
Date of Order: 25th July, 2023

Attested *[Signature]*

Sameer
Secretary
CGRF (BYPL)

Order Pronounced By:- Mr. H.S. Sohal, Member

1. This complaint has been filed by Sh. Mukesh Mishra, against BYPL-LNR.
2. The brief facts of the case giving rise to this grievance are that complainant Sh. Mukesh Mishra applied for new electricity connection vide request no. 8006261162 at premises no. 73, 74, 75 GF, Guru Ram Dass Nagar, Laxmi Nagar, Delhi-92.

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It is also his submission that OP rejected his application for new connection on pretext of address in MCD list and parking conversion. It is further added that at the time of visit 2 shops found at GF, complainant applied for connection in shop, meter in parking already exists ~~at applied floor~~.

3. The respondent in reply briefly stated that the complainant is asking for new electricity connection for ground floor of property bearing no. 73, 74, 75 Guru Ram Das Nagar, Delhi-92. The applicant applied for new connection vide application no. 8006261162 in respect of ground floor property which is a parking area by making a shop therein.

OP further added that the premises have four floors i.e. upper ground, first floor, second floor and third floor with ground floor as stilt parking. The earlier connections were granted as the ground floor is taken as stilt parking area. As per norms one electricity connection bearing CA no. 153943607 already sanctioned for parking in the name of the complainant. As ground floor which is a stilt parking area is already electrified, no new connection can be given more so as stilt parking area cannot be used for any other purpose except for parking.

It was also submitted that the premises now stands booked by MCD and as property was found in MCD objection list at serial no. 16. As per the said list enclosed with letter no. EE (B)-II/Sh(s)/2023/D-1543 dated 14.02.2023 of EDMC the premises booked for unauthorized construction in the shape of excess coverage at stilt, GF, FF, SF, TF and projection on MPL SBP no. 10097103.

Regarding electricity connections which already exist in same property were granted prior to receipt of MCD objection list. The connections were released on 06.10.2022 and MCD objection list is dated 14.02.2023 received by OP on 14.03.2023 itself.

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4. Heard both the parties and perused the record.
5. The issue is whether the electricity connection can be released to the complainant for the shop on ground floor where already connection in lieu of stilt parking is released. Also, if the premises are booked by MCD.
6. The Authorized Representative of the complainant refuted the contentions of the respondent as averred in their reply and has argued that he has fulfilled all the formalities as per DERC Rules and Regulations therefore; he is liable to get new electricity connection. He further submitted that the building is constructed as per building bye-laws. He further submitted that as per serial no. 16 of MCD objection list, the booking date is 31.01.2023 and the building is already constructed and the meters were installed on 06.10.2022. The premises booked by MCD are other person's premises. And OP has released the new connections on the said premises on 10.02.2023 i.e. after booking done by MCD.
7. Legal Representative of BYPL has argued on basis of evidence available on record. New electricity connections cannot be given to the complainant in view building bye-laws. OP again reiterated that electricity connections which already exist in same property were granted prior to receipt of MCD objection list. The connections were released on 06.10.2022 and MCD objection list is dated 14.02.2023 received by OP on 14.03.2023.

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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.

9. The complainant has emphasized on the fundamental rights for claiming electricity connection. However, 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.

G. S. Deo *S.*

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Deo
Secretary
CGRF (BYPL)

10. In this regard, 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."

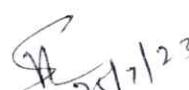
11. The factual position of the case, as apparent from the documents placed on record it is transpired that new connection cannot be granted to the complainant as already a connection for stilt parking has been provided to the complainant and another connection for the purpose of shop cannot be granted. Also, the premises of the complainant is booked by MCD and for grant of new connection the complainant has to produce NOC or BCC from the MCD alongwith Sanctioned Building Plan to show that while sanctioning the Building Plan the shop was already there in the Plan.

12. We are of the view that it is not feasible to release the new connection to the complainant in light of prevailing rules and regulations stated above.

ORDER

Complaint is rejected. OP has rightly rejected the application 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


(NISHAT AHMAD ALVI)
MEMBER-CRM


(P.K. SINGH)
CHAIRMAN


(P.K. AGRAWAL)
MEMBER-LEGAL


(H.S. SOHAL)
MEMBER 5 of 5

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CGRF (BYPL)