



C A No. Applied for
Complaint No. 154/2024 (154/2024)

In the matter of:

NaimuddinComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. H.S. Sohal, Member
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. S.R. Khan, Member (Technical)
4. Mr. Nishat Ahmad Alvi (CRM)

Appearance:

1. Mr. Imran Ul Haq Siddiqi, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. Akshat Aggarwal & Ms. Chhavi Rani Or.
behalf of BYPL

ORDER

Date of Hearing: 13th June, 2024

Date of Order: 04th July, 2024

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

1. The brief facts of the case giving rise to this grievance is that complainant applied for new electricity connections at premises no. 214-A, Gali No. 8, Bajrang Bali Mohalla, Maujpur, Delhi-110053, vide requests no. 8006835613, 8006835599, 8006835606, 8006837498, 8006840296, 8006840291, 8006840285 and 8006840288. The applications of complainant were rejected by Opposite Party (OP) BYPL on the pretext of BYPL pole found encroached upon by applicant and Building Completion Certificate required.

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CGRF (BYPL)

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2. The respondent in reply briefly stated that new electricity connections were applied by the complainant vide requests no. 8006835613, 8006835599, 8006835606, 8006837498, 8006840296, 8006840291, 8006840285 and 8006840288 at premises 214-A, Gali No. 8, Bajrang Bali Mohalla, Maujpur, Delhi-110053 and said applications of the complainant were rejected on account of pole encroachment and for want of Building Completion Certificate (BCC) in case of NX connections. Regarding DX connections for fourth floor, as the said floor is effective ^{5th} floor as such architect certificate is needed failing which Building Completion Certificate (BCC) is needed.


The applied building consists of Ground Floor plus five floors over it. On the Ground Floor there are two shops. The complainant has applied for 8 connections details whereof are as under:-

S. NO.	SAP ORDER NO.	FLOOR WISE	CATEGORY
1	8006837498	Ground Floor	NX
2	8006835613	Ground Floor	NX
3	8006835606	1 st Floor	DX
4	8006835599	1 st Floor Back Side	DX
5	8006840288	3 rd Floor	DX
6	8006840285	3 rd Floor	DX
7	8006840296	4 th Floor	DX
8	8006840291	4 th Floor	DX

3. Rejoinder filed by counsel for the complainant refuted the contentions of the respondent as averred in their reply and stated that this is an idle pole with no network (distribution box). He also submitted that the complainant has already submitted BCC issued from MCD.

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4. OP vide their mail submitted that the BCC is issued by Architect Mr. Tarun Singh and the said architect is debarred by MCD and his ID also got expired. OP's mail also states that there ^{is} ~~have~~ no specific date mentioned in MCD portal, only the architect is debarred for three years.
5. Heard both the parties and perused the record.
6. From the narration of facts and material placed before us we find that OP raised two fold objections against the applications of the complainant for new connections. Firstly, the building is booked by MCD and the BCC submitted by the complainant is from de-barred Architect and same cannot be taken into consideration. Secondly, pole encroachment.
7. In this regard, we observe that OP has submitted only excel sheet against the MCD booking, no proper list has been provided or placed on record by OP. Further OP has objected to the Building Completion Certificate submitted by the complainant, stating that the said Architect is debarred by MCD. It is admitted by OP in their mail dated 10.06.2024, there are no specific date when the architect Sh. Tarun Kumar got de-barred.
Regarding other objection of OP, Pole Encroachment, it is admitted fact that as of now the pole is idle and not catering electricity. OP contented that in near future they will use the pole depending upon the load demand in the area.

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The counsel of the complainant during course of arguments has stated that he is not pressing for the non-domestic connections at the ground floor and domestic connections on the fourth floor.

8. In view of the above, we came to the conclusion that the BCC submitted by the complainant should be considered by OP, as there is no record available when the Architect got de-barred. Thus, the benefit of doubt goes in the favour of the complainant and he should be granted new electricity connections as applied for the first and third floor.

Regarding pole encroachment, at present the said pole is dead pole. Thus the new connection can be granted on this ground also.

9. The new connections as applied for by the complainant can be granted provided the complainant has to file an affidavit undertaking thereby that if MCD or any other agency in future takes any action against his property, OP is free to take action as per law. The complainant should also mention in the affidavit that if the dead/idle pole will become alive in future, either he will remove the encroachment or OP is free to take action as per law.

For the connections on the ground floor and fourth floor, presently the complainant has not pressed for connections on both the floors, but if in near future the complainant re-applies for new connections on these two floors he has to comply all the required commercial formalities as per DERC Regulations 2017.



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ORDER

The complaint is allowed with the directions to OP to release the new connections to the complainant on first and third floors of the applied premises subject to submission of affidavit/undertaking as above.

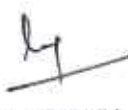
OP is further directed to file compliance report within 21 days from the date of this order.

The case is disposed off as above.

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


(H.S. SOHAL)
MEMBER


(NISHAT A ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


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

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