



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-11003)

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SECY/CHN 015/08NK

C A No. Applied For
Complaint No. 333/2023

In the matter of:

Naveen BansalComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

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)

Appearance:

1. Mr. Suraj Aggarwal, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht & Ms. Chhavi Rani, On behalf of BYPL

ORDER

Date of Hearing: 07th December, 2023

Date of Order: 20th December, 2023

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

1. The brief facts of the case giving rise to this grievance are that complainant Mr. Naveen Bansal applied for new connections vide application no. 8006477827 at premises no. 340/8, Friends colony Industrial Area, Delhi-110094, but respondent rejected his applications for new connection on the pretext of requirement NOC from MCD or completion cum occupancy certificate required and BYPL pole encroachment by the complainant.

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**Secretary
CGRF (BYPL)**

Complaint No. 333/2023

2. OP in its reply briefly submitted that complainant is seeking fresh electricity connections in respect of various floors at property bearing no. 340/8, Khasra No. 1184/20, Friends colony Industrial Area, Delhi-110095 vide application no. 8006477827. Deficiency letters were issued for the reason as applied address was found in MCD objection list vide letter no. EE(B)-I&II/SH-S/2020-21/D-1436 dated 13.11.2020. The subjected property is mentioned at serial no. 459 of page no. 33. Since the said property is mentioned as 340, Gali No. 1, Friends Colony, and since no part is mentioned therefore it is apparent that the whole compound i.e. 340 is booked and not just a certain part as claimed by the complainant.

OP further added that it was also found that there is no supporting pole near the subject premises. The distance between the plot and the feeder pillar is 35 meters. A feeder pillar acts as a central course that controls and distributes electricity to outgoing circuits. Therefore, releasing the electricity connection will only be possible upon installation of a feeder pillar or by laying down service cable underground instead of overhead and after rationalization of the load distribution. A minimum of 15 days will be required in order to carry out the work. OP also added that as the subject premises stands booked for unauthorized construction by MCD, therefore, only upon furnishing of the BCC or an NOC the aforementioned work can be carried out as per the law.

3. The counsel of the complainant stated that OP has released many connections in the applied premises. Though the premises were booked by MCD in the year 2016 still OP has released many new connections in the premises from 2016 till 2023. He also submitted that he agreed that feeder pillar is 35 meter far from his premise and he has already laid pipe for underground cable.

Complaint No. 333/2023

He purchased the vacant plot in January 2023 and later on constructed the premise over it. His premise no. 340/8 is different from the booked premise 340.

4. OP also submitted site visit report dated 20.10.2023 stating that at time of visit, applied premises is on Main Road and Gali no. 1 exit at back side in premises. The site visit report also shows that the building of the complainant is basement + ground + three floors and complainant has applied for new connection on ground floor.
5. There are three MCD lists on record first list submitted by OP along with reply shows details of booked property as 340, Gali No. 1, Friends Colony booked on 26.12.2016. Other two lists are of year 2023. First list shows property no. 340 (part), Friends Colony Industrial Area, Jhilmil, Delhi, under construction in the shape of basement, GF, FF and second floor and rising of columns and walls at the roof of second floor. (Basement, GF, First floor occupied) area 150 sq yards. Another list shows booking of Kh. no. 340 (part) plot no. 1184/20, (R.K. Auto Mobiles), Near underpass, friends Colony Industrial Area, Jhilmil, Delhi, under construction in the shape of basement, GF, FF, SF & third floor (old and occupied).
6. 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.

3 of 5

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CGRF (BYPL)

Complaint No. 333/2023

7. During the course of hearing on 07.12.2023, official of OP Ms. Amita Sharma, stated that the premises of the complainant does not fall in MCD objection list as the booking shows property in Gali no. 1 and complainant's premises falls on main road, therefore, OP asked for an Indemnity Bond from the complainant mentioning this fact. Counsel of the complainant agreed to file the same.
8. Heard both the parties and perused the record.
9. OP in their additional submissions dated 14.12.2023 submitted that "on physical verification and comparison with photographs it appears that property booked by MCD and subject property are different properties. Accordingly, in the subject case connection will be released subject to the condition that complainant will give an affidavit to the effect that applied premises is on main road and that the applied premises does not open to Gali no. 1 either from front side or from back side."
10. We have gone through the submissions of both the parties perused the record. The applicant has submitted that the connection is sought in premises bearing no. 340/8 and is not part of the booked property and OP has submitted that it's not the premise of the complainant which is booked by MCD and asked the complainant for submission of Indemnity Bond and completion of other commercial formalities as per DERC Regulations 2017.
11. Therefore, in view of the submissions of both the parties, we are of considered opinion that the complainant should be granted new connection.

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Secretary
CGRF (BYPL)

[Handwritten signatures]

Complaint No. 333/2023

ORDER

Complaint is allowed. OP is directed to release the new connection to the complainant after completion of all the commercial formalities and submission of Indemnity Bond as stated above. Complainant is also directed to file another undertaking/affidavit regarding the fact in case MCD in future takes any action against his premise; OP will be free to disconnect the new electricity connection released to the complainant without any further notice.

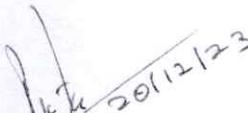
The OP is also directed to file compliance report to this office within 21 days from the issue of this order.

The case is disposed off as above.

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

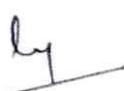

(S.R. KHAN)
MEMBER-TECH


(NISHAT AHMAD ALVI)
MEMBER-CRM


(P.K. SINGH)
CHAIRMAN

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Secretary
CGRF (BYPL)


(P.K. AGRAWAL)
MEMBER-LEGAL


(H.S. SOHAL)
MEMBER