



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
Phone: 32978140 Fax: 22384886
E-mail:cgrfbyp@hotmail.com
SECY/CHN 015/08NKS

C A No. Applied For
Complaint No. 97/2023

In the matter of:

Nazir HussainComplainant

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

Appearance:

1. Mr. Shanky R.S. Gupta, A.R. of the complainant
2. Ms. Ritu Gupta, Mr. Sachin Dubey, Ms. Shweta Chaudhary & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 11th April, 2023
Date of Order: 01st May, 2023

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

1. Present complaint has been filed by Mr. Nazir Hussain, against BYPL-YVR.
2. The brief facts of the case giving rise to this grievance are that complainant Mr. Nazir Hussain, applied for new electricity connections at premises no. part S-27, New No. 571, Street No. 23, Brahmputri,

for
Abulhusn
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Secretary
CGRF (BYPL)

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Shahdara, Delhi-110053 vide application no. 8005995052, 8005995078, 8005995064, 8005995069, 8005995084, 8005998953, 8005998917, 8005998948, 8005979650, 8005979729, 8005979743, 8005979756, 8005979714, 8005989203, 8005989207, 8005996471, 8005996459, 8005996447, 8005996453, 8005996472 and 8005996442, but respondent rejected his applications for new connection on pretext of premises appearing in MCD objection list, thus MCD NOC or completion cum occupancy certificate is required. Therefore, he requested the Forum to direct the respondent for release of new connections.

3. The OP in their reply briefly stated that the complainant is seeking fresh electricity connections for property bearing no. S-27, new no. S-71, Street No. 23, Brahmputra, Shahdara, Delhi-53. Complainant applied for new electricity connections which were rejected as applied address was found in MCD objection list at serial no. 6 vide letter no. EE(B)-II/SH-N/2021/D-716 dated 11.10.2021.

At the time of inspection it was found that building consists of ground plus five floors. The height of the property is more than 15 meters without silt parking as it consists of six floors

OP further added that regarding the existing five connections, same were released as one property is divided into parts and developed by the complainant as well. On account of numbering of the property, at the time of verification it was not pointed out that the same is booked by MCD and the connections were released on account of lack of clarity of MCD booked property.

4. The counsel of the complainant argued that respondent has released five numbers of new connections in the said property. He further added that it's his premises which are booked by MCD but since respondent has released five new connections after booking by MCD, thus his electricity connections should also be released.

For Ashwani

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Secretary
CGRF (BYPL)

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5. LR of the OP submitted since the building is booked by MCD therefore, new connection is not feasible and as per DERC Regulations complainant has to fulfill all the commercial formalities as required for new connection. OP further added that they cannot release the new connection to the complainant until he submits BCC from MCD. They further added that height of the building is more than 15 meters therefore, the complainant has to submit fire clearance certificate also. OP also added that the premises are booked in the name of the complainant itself.
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.
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.

Farzana Sharif
Attested True Copy

Farzana Sharif

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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.

As per DERC (Sixth Amendment) order, 2021 dated 15.04.2021:

2.0(3) In case of residential buildings, for release of electricity connection the Distribution Licensee shall not insist for Fire Clearance Certificate for the residential building having height up to 15 meters without stilt parking and up to 17.5 meters with stilt parking.

From above discussions it is clear that complainant has applied new connection which was rejected on the pretext of premises booked under Section 343 and 344 of DMC Act vide letter no. EDMC/EE(B)-I/Sh-N/2021/D-716 dated 11.10.2021 booked for unauthorized construction.

7. Therefore, 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 connections. Since the building height is more than prescribed limit therefore, the complainant has to submit fire clearance certificate along with Building Completion Certificate for release of new connections.

for Dharavi
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S. Deekshita

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ORDER

Complaint is rejected. Respondent has rightly rejected the applications 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. File be consigned to Record Room.


(P.K. SINGH)
CHAIRMAN


(S.R. KHAN)
MEMBER-TECH


(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER
(ON LEAVE)
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For Bhawna

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Secretary
CGRF (BYPL)