

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, 2001)

Sub-Station Building BSES (YPL) Regd. Office Karkardooma

Shahdara, Delhi-11003

Phone: 32978140 Fax: 2238488

E-mail: cgrfbypl@hotmail.com

REGD. CHN. OF BSES

C A No. Applied For Complaint No. 319/2024

In the matter of:

Nipun Jain

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmad Alvi (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 RS Gupta, A. R. of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Mr. Akshat Aggarwal & Ms. Chhavi Rani On behalf of BYPL

ORDER

Date of Hearing: 24th September, 2024

Date of Order: 25th September, 2024

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

1. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connection at premises no. 1/7209, 4th Floor (top floor), Old Plot No. 30-A, Sarup Block, Shivaji Park, Shahdara, Delhi-110032, vide request no. 8006935563. The application of complainant was rejected by OP on the pretext of MCD Objection, NOC or Completion and Occupancy Certificate required.

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CGRF (BYPL)

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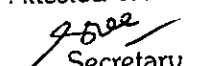
Complaint No. 319/2024

2. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking for new connection at premises no. 1/7209, 4th Floor, Old Plot No. 30-A, Sarup Block, Shivaji Park, Shahdara, Delhi-110032, vide requests no. 8006935563. The application of the new connection was rejected on account of property is in MCD Objection list of unauthorized construction Vide letter no. EE(B)-II/Sh-N/2017/D-531 dated 22.09.2017 at serial No. 129 in the shape of unauthorized construction deviation against SBP file no. 163/B/SH-nm/2016 dated 15.11.2016.

According to the Site Visit Report dated 07.05.2024, building structure consists of Ground+ Four Floor over it and on the ground floor, 4 shops exists and regarding existing connections in the same building, they were released on the basis of BCC provided by then applicants. As per the said building completion certificate dated 19.07.2020 having file no. 1007682, building structure consist of Ground+ three floors over it. Thus, approved building plan is that of ground to third floor and admittedly there is no approval for fourth floor, in respect whereof new connection is sought. As per the said BCC total achieved FAR is 350.27. As per annexure VI of UBBL 2016, in respect of residential plots having area between 50-100 Square meters, maximum FAR can be 350 with four numbers of Dwelling Units. Thus, existence of fourth floor is not as per the Building bye laws.

3. A. R. of the complainant refuted to file rejoinder.
4. From the narration of facts, material placed before us and pleadings of both the parties we find that the complainant applied for new electricity connection on fourth floor at property bearing no. 1/7209, Old Plot No. 30-A, Sarup Block, Shivaji Park, Shahdara, Delhi-110032.

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Secretary
CCRE (DUPD)



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Complaint No. 319/2024

The said application of the complainant was rejected by OP on account of premises booked by MCD till third floor and the BCC filed by the complainant on record is also till third floor. The fourth floor in the building is constructed later on and as per Annexure VI of UBBL 2016, in respect of plots having area between 50-100 sqm, maximum FAR can be 350 with four numbers of Dwelling units and the complainant has not placed on record any approval/sanctioned building map from the concerned authority for constructing the fourth floor. In response to OP's objection, the complainant stated that the 4th floor of the premises is not booked by MCD but no approval/approved map from any authority has been submitted.

5. 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 requirement, if so specified or prescribed by the Commission or Authority under any of their Regulations or Orders.

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Secretary

(Signature)

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6. In view of above, we are of considered opinion that the 4th floor constructed by the complainant is without any sanctioned building plan/approval from the competent authority, therefore in absence of the said documents the application of the complainant for new connection cannot be granted.

ORDER

The complaint is rejected. The request of the complainant for new connection has been rightly rejected by OP.

Case is disposed off as above.

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


(P.K. SINGH)
CHAIRMAN

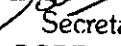

(S.R. KHAN)
MEMBER-TECH


(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER

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Secretary
CGRF (BYPL)