



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

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SECY/CHN/II/50RNS

C A No. Applied for
Complaint No. 78/2024

In the matter of:

Noor JahanComplainant

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

ORDER

Date of Hearing: 04th June, 2024

Date of Order: 10th June, 2024

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

1. The complaint has been filed by Ms. Noor Jahan against BYPL-Paharganj. The brief facts of the case giving rise to this grievance is that the complainant applied for new electricity connection vide request no. 8006641493, at premises no. 9369, 4th Floor, Left Side, Gali No. 8, Multani Dhanda, Paharganj, Delhi-110055, but respondent rejected the application of the complainant for new connections on the pretext of MCD Objection, Architect Certificate Required, but

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Complaint No. 78/2024

the complainant stated that her premise is not booked in MCD. Therefore, he requested the Forum to direct the respondent for release of new connection.

2. OP in its reply briefly stated that the present complaint has been filed by the complainant seeking for one fresh electricity connection at Fourth Floor of property bearing no. 9369, 4th Floor, Left Side, Gali No. 8, Multani Dhanda, Paharganj, Delhi-110055 vide application bearing no. 8006641493 and same was rejected as applied address was found in the MCD objection list forwarded to respondent vide letter no. D-1057/SE/CSPZ/2019 dated 26.02.2019 at serial no. 29. As per said list unauthorized construction is "in form at GF & FF along with Projection on MPL land.

On inspection it was found that the building structure consists of Ground plus four floors over it. On Ground Floor there are two NX units, on First Floor to fourth floor one DX unit at each floor exists. Hence total six units present at site and total 6 meters exist at site. That meter no. 11742327 already exists at the applied premises. Regarding existing connections the said connections were granted in year 2020 on submissions of Sanction Plan and letter submitted to NDMC. The details of existing connection are as under:-

S.No.	Meter No.	Sanctioned/Floor /Category	Supply Usage	Energisation
1	11742327	GF DX	4F	25.03.1981
2	70266303	GF NX	GF	15.11.2018
3	35660527	GF NX	GF	15.11.2020
4	70298272	FF DX	FF	07.07.2020
5	70298273	SF DX	SF	07.07.2020
6	70298274	3F DX	3F	07.07.2020

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2 of 5
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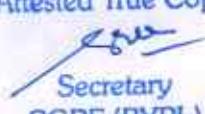
Complaint No. 78/2024

The earlier Sanction Plan was issued by architect Darshan Singh who stands debarred as per the list available on the portal of MCD. As such complainant is now required to submit regularized Sanction Plan. In any case the Sanction Plan so submitted was in respect of ground plus three floors and at the time of site visit in year 2020 the building was also found to be consisting of Ground plus three floors. Thus, the old Sanction Plan cannot be taken into consideration for release of new connection for fourth floor. OP further added that in case the Learned Forum is of the view that Sanction plan is not needed then complainant has to provide an Architect certificate of duly approved Architect to the effect that building height is less than 15 meters.

3. In response to the reply the complainant filed rejoinder. The complainant has applied for a new electricity connection on property bearing address 9369, 4th Floor, Left Side, Gali No. 8, Multani Dhanda, Paharganj, Delhi-110055, vide order no. 8006641493 however the same was rejected stating that applied address is in MCD objection list, which is wrong and denied. It is stated that property booking file no. 476/91-N/B/UC/EE(B)-I/CSPZ/2018 dated 02.10.2019 has been deleted your property booking from MCD website on dated 27.02.2020 after approval of competent authority as the building was demolished after MCD booking and again rebuilt and MCD issued NOC(BCC) on the newly built building and subsequently deleted the MCD Booking record from its website. OP on the basis of BCC issued by MCD has released three new connections in the building of the complainant on dated 07.07.2020 and importantly the floor of the complainant is not booked by the MCD.

 3 of 5

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Regarding debarring of Architect Darshan Singh for three years, it is submitted that the three connection which were released completion certificate that means he was debarred for further three years and the order of the MCD does not say anything about the previously issued building plans by him or specifically anything about the BCC issued to the complainant building, hence the same are very well applicable as on date.

4. Heard both the parties and perused the record.
5. In the present circumstance, OP has raised two fold deficiencies first that the applied premise is already electrified by meter no. 11742327 and secondly the premise of the complainant is booked by MCD and the architect issued BCC is debarred by MCD. During the course of hearing OP also stated that at the time of release of earlier connections in 2020, the complainant's building was constructed upto 3rd floor but now the complainant has constructed another floor over 3rd floor i.e. 4th floor. OP also stated that if MCD objection is not taken into consideration then the complainant has to submit Architect Certificate from duly approved Architect confirming that the height of the building is less than 15 meters.
6. During the course of arguments, the counsel of the complainant stated that the building has been re-constructed after demolishing earlier structure which was booked by MCD but has not placed on record any building/site plan in support of his contention. We also find that as per Law, when the building is being re-constructed the complainant has to surrender already installed connections, but in the present case, all the connections installed before re-construction still exists at the applied premises. This fact also does not support the contention of the complainant that building is re-constructed.

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CGRF (BYPL)

Complaint No. 78/2020

7. From above, it is not clear whether the building is re-constructed or not. If it is re-constructed than the complainant has to submit proof in support of his contention like sanctioned building plan or building completion certificate from the concerned department, which complainant failed to provide. We cannot rely upon earlier issued building plan or NDMC letter as the same is issued for building structure Ground + three floors over it, since, the complainant has applied for new electricity connection on the fourth floor.

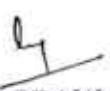
8. Therefore, in view of the above, we are of considered opinion that the new connection to the complainant cannot be granted. The complainant failed to prove his contention that the building is re-constructed and already there are six dwelling units at the applied premises and six electricity connections are already there to cater electricity to the applied premises.

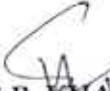
ORDER

The complaint is rejected. OP has rightly rejected the application of the complainant for new connection.

The case is disposed off as above. No order as to the cost. Both the parties should be informed accordingly.

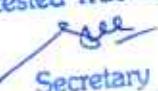

(NISHAT A ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN
10/12/2024

5 of 5

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