

C A No. Applied for
Complaint No. 464/2024

In the matter of:

Pappu RamComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. S.R. Khan Member (Technical)
4. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Neeraj Kumar, Counsel of the complainant
2. Mr. Seema, Mr. R.S. Bisht & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 7th January, 2025

Date of Order: 13th January, 2025

Order Pronounced By:- Mr. S.R. Khan, Member (Technical)

1. The brief fact of the case giving rise to this grievance is that the complainant applied for new electricity connections at premises no. F-146, Third Floor, N West, Jyoti Nagar, Delhi-110094, vide requests no. 8006897242 & 8006806965. The applications of complainant were rejected by OP on the pretext of Address in EDMC Objection list & unauthorized contraction (One meter removed from site CA No. 152401506) complainant stated that his application for new connections declined without any rhyme and reason.

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Secretary
CGRF (BYPL)

2. The respondent in reply briefly stated that the present complaint has been filed by the complainant is seeking new electricity connections at property bearing no. F-146, Third Floor, N West, Jyoti Nagar, Delhi-110094, vide requests no. 8006897242 & 8006806965. The application of the new connection was rejected on account of Firstly; application n. 8006897242 canceled due to duplicate request. Secondly; property is in MCD Objection list of unauthorized construction Vide letter no. EE(B)-II/SH-N/2017/D-805 dated 12.12.2017 at serial No. 105, in the name of Mr. Ajay Sharma.

Regarding connection bearing CA No. 152401506 meter was removed from applicant's floor which was in the name of Ms. Anju Sharma W/o Mr. Ajay Sharma. It is important to note that MCD booking is in the name of Mr. Ajay Sharma who is husband of Ms. Anju Sharma which confirms the same property in which connection is sought by the complainant is booked in MCD.

It is submitted that new electricity connections are provided as per Electricity Act and regulations framed in respect of DERC (Supply Code and Performance Standards) Regulations, 2017.

3. Complainant did not file rejoinder.

4. Heard arguments of both the parties at length.

5. From the narration of facts and material placed before us we find that complainant applied for new electricity connections which OP rejected on pretext of MCD objection as the premises are booked. In this regard, the complainant stated after the booking, OP has given the

connection CA No. 154309166 in 2023. In response to which OP stated that mention CA No. 15409166 generated after name, the said connection was released on 23.11.2017 i.e. before MCD booked the premises on 12.12.2017.

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

Hon'ble Supreme Court of India, recently in the matter of Rajender Kumar Barjatya & Another Vs UP Avas Evan Vikas Parishat & Ors. in Civil Appeal No. 14605 of 2024 has clearly stated in para 21 (iv) that all the necessary service connections, such as electricity, water supply, sewerage connection, etc. shall be given by the service provider/board to the buildings only after the production of the completion/occupation certificate.

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Hon'ble Supreme Court of India in the matter "Supertech Vs Emerald Court Owners Resident Welfare Association (2021) 10 SCC 1, observed that unauthorized construction destroys the concept of planned development and places unbearable burden on basic amenities provided by local authorities. It was imperative for the public authorities to not only demolish such construction but also to impose a penalty on wrong doers involved.

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.
7. From above discussion it is clear that complainant has applied new connection for third floor of the building which was rejected on the pretext of building booked by MCD for unauthorized construction. Vide letter no. EE(B)-II/SH-N/2017/D-805 dated 12.12.2017. Therefore, there is clear violation of DMC Act 1957. Hence, as per DERC (Supply Code and Performance Standards) Regulations 2017 Rule 11 (2) (iv) (c) and Supreme Court of India and Delhi High Court's Orders in various cases, new connection cannot be given.

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BYPL (BYPL)

8. Thus, in view of above, we are of considered opinion that the new connection applied by the complainant cannot be granted. For release of the new electricity connections the complainant has to file Building Completion Certificate from Municipal Corporation of Delhi.

ORDER

Respondent has rightly rejected the application of the complainant of the new connection. However, if in future the complainant submits the Building Completion Certificate, OP should release him new electricity connection, subject to fulfilling any other required formalities.

The parties are hereby informed that instant Order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order.

If the Order is not appealed against within the stipulated time, the same shall be deemed to have attained finally.

Any contravention of these Orders is punishable under Section 142 of the Electricity Act 2003.


(H.S.SOHAL)
MEMBER


(P.K. AGRAWAL)
MEMBER (LEGAL)


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

(P.K.SINGH)
CHAIRMAN

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Secretary
(P.Y.P.U.)