

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
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SECRETARY

C A No. Applied for
Complaint No. 340/2024

In the matter of:

Poonam Sharma

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

1. Ms. Sakshi Sharma, Counsel of the complainant along with complainant
2. Ms. Kavya, Mr. Rajeev, Mr. Lalit, Ms. Chhavi Rani & Mr. Akshat Aggarwal, on behalf of respondent.

ORDER

Date of Hearing: 26th September, 2024

Date of Order: 30th September, 2024

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

1. The brief facts of the case giving rise to this grievance are that the complainant Ms. Poonam Sharma applied for new electricity connection vide request no. 8006922419 at premises no. A-24, 4th floor, Kh. No. 426, Gali no. 3, Guru Nanak Pura, Laxmi Nagar, Delhi-110092. It is also her case that her application for new connection was rejected on account of MCD-NOC or completion and occupancy certificate required.

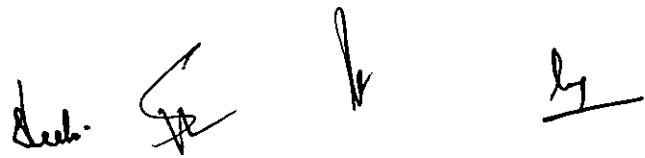
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2. OP in its reply briefly stated that the complainant is seeking new non-domestic connection on the fourth floor of the property bearing no. A-24, Khasra No. 426, Gali No.3, Guru Nanak Pura, Laxmi Nagar. It is submitted that the complainant has applied vide request no. 8006922419. The site was inspected dated 30.04.2024 and it was found that the building structure consists of the ground floor + UGF + Four floors over it. The applied floor is effectively the 5th floor. The application of complainant was rejected due to

- a) Building height is more than 15 meters, applicant applied for NX connection for effective 5th floor so fire clearance certificate or BCC in lieu thereof is required.
- b) Applied address was mentioned under MCD objection list vide letter no. EE(B)-II/Shah(S)/2023/D-425 dated 05.06.2023.
- c) Regarding connections existing at subject property it is submitted that there are 5 connection exits as duly mentioned site visit report. The details of said connection are as under.

S.No.	CA No.	Meter No.	Date of Energization
1.	151960369	70203954	04.10.2016
2.	101027308 (Name change case new CA 154392515	25291041	08.10.2008 (Name change move in 13.02.2024)
3	100956282	35967055	17.07.1980
4.	101055541	35791254	01.09.2010
5.	100979914	25243276	02.12.2006



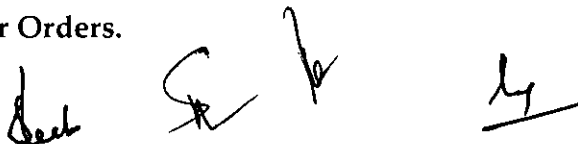
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3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the property of the complainant is not booked by MCD on account of unauthorized construction. Rejoinder further stated that already two electricity connections are energized on the ground floor of the subject property since 2016 and OP has also released one connection on the third floor and also done name change of the said connection in the year 2024 without raising any objection of MCD.
4. Heard arguments of both the parties were heard at length.
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 other requirement, if so specified or prescribed by the Commission or Authority under any of their Regulations or Orders.



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6. 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.


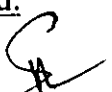


Further, DERC vide order dated 15.04.2021, issued sixth amendment, states DERC (Sixth Amendment) order, 2021 dated 15.04.2021:2.0

(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.

4(1) In case the total height of such building is more than 15 meters without stilt parking and more than 17.5 meters with stilt parking, the distribution licensee shall:

(i) release the electricity connection in the dwelling units which are within the height of 15 meters without stilt parking and within the height of 17.5 meters with stilt parking of the building, without insisting for Fire Clearance Certificate:

(ii) in the dwelling units which are above the height of 15 meters without stilt parking and which are above the height of 17.5 meters with stilt parking of the building, the electricity connection shall not be provided unless the fire clearance certificate has been obtained:

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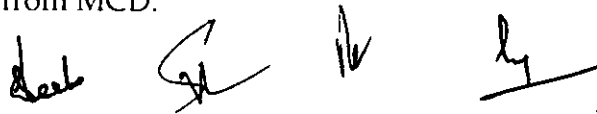
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7. Hon'ble Delhi High Court in the case of W.P. (c) 2453/2019 has held "However, merely because some of the occupants of the building have wrongly been given an electricity connection, it cannot be ground for the court to direct respondents' no. 2 and 3 to further compound the wrong act and direct granting of a new electricity connection to the premises of the petition which is located in the building whose height is more than 15 meters."

8. From above discussions it is clear that complainant has applied new connection for fourth floor effective fifth floor of the building which was rejected on the pretext of building booked under Section 343 and 344 of DMC Act vide letter no. EE(B)-II/Shah(S)/2023/D-425 dated 05.06.2023 and the height of the building is more than 15 meters, as the complainant has applied for commercial connection on the 4th floor (effective fifth floor) of the subject premises.

Further, regarding the contention of the complainant that OP has released the new electricity connection in the subject building on third floor in the year 2024, in this regard above stated Hon'ble High Court citation clearly states that if OP has done something wrong/granted new electricity connection then it cannot be ground for the Forum to further compound the wrong act and direct granting a new electricity connection to the premises.

9. In view of the above, we are of considered opinion that both the objections raised by OP are to be complied by the complainant for grant of new electricity connection. Regarding the height of the building the complainant has to submit fire safety clearance certificate and for MCD booking the complainant has to submit NOC or building completion certificate from MCD.



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10. 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 connection.

ORDER

Complaint is rejected. Respondent has rightly rejected the application 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. Proceedings closed.


(S.R. KHAN) 30/9/24
MEMBER-TECH


(P.K. SINGH)
CHAIRMAN


(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM

(H.S. SOHAL)
MEMBER