



C A No. Applied for
Complaint No. 375/2024

In the matter of:

Preeti Verma

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Akash Swami, Mr. R.S. Bisht & Ms. Chhavi Rani On behalf of BYPL

ORDER

Date of Hearing: 5th November, 2024

Date of Order: 11th November, 2024

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

1. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connection at premises no. 1/3491-A&B, Upper Ground Floor, Gali No.-06, Ram Nagar Extension, Shahdara, Delhi-110032, vide request no. 8006961734. The application of complainant was rejected by OP-BYPL on the pretext of MCD Objection and No Kitchen found, but complainant stated that above mentioned property is not booked by MCD and the Kitchen has been already constructed.

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2. The respondent in reply briefly stated that the present complaint has been filed by the complainant seeking for one new connection at premises no. 1/3491-A&B, Upper Ground Floor, Gali No.-06, Ram Nagar Extension, Shahdara, Delhi-110032, vide request no. 8006961734. The application of the new connection was rejected as the property is in MCD Objection list of unauthorized construction "Non compoundable deviation against SBP I.D. No. 10115169 in shape of projection at stilt, G/F, E/F, and Second Floor. Area = 50 square meters yards, vide letter no. EE(B)-II/SH-N/2023/D-207 dated 29.09.2023 at serial No. 13 and No Kitchen found at the applied premises at Upper Ground Floor.

OP also stated that one connection bearing CA No. 15433172 was released on 10.01.2024 due to the policy change. However, in the present case the applied floor stands booked by MCD on account of unauthorized construction. In view of the same no new connection can be released to the complainant.

3. Counsel for the complainant rebutted the contentions of the respondent was averred in their reply and submitted that the kitchen already exist upon the applied upper ground floor and the applied address is not booked by the MCD which is mentioned at serial no. 13. Complainant stated that applied premises are 1/3491-B while the premises booked by MCD are 1/3491-A.

4. Heard arguments of both the parties at length.

5. The main issue in the present case is release of new connection in the MCD booked premises.

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6. From the narration of facts and material placed before us we find that the complainant applied for new electricity connection which was rejected by OP on the grounds that the building is booked by MCD. It is also placed on record that OP in the month of January 2024 has released a new electricity connection in the name of the complainant itself at the third floor of the subject premises.

From the perusal of the property documents it is deliberately shown that property no. 1/3491-A and 1/3491-B are different properties and MCD has booked property no. 1/3491-A whereas the complainant has applied for new connection at property no. 1/3491-B. Infact the address booked by MCD is 1/3491, in the name of the complainant itself in the shape of Non-compoundable deviation against SBP ID no. 10115169 in the shape of projection at stilt, GF, FF and Second floor, area 50 sq yards. The booking nowhere mentions A or B part of the property. It is also noticed that property no. 1/3491-B is having area 21.73 sq meters and property no. 1/3491-A is having area 20.90 sq. meters, summing up to 42.63 sq. meters which is approx near to that of booked property.

7. 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."

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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.

8. 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.

9. 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."

10. From above discussions it is clear that complainant has applied new connection for upper ground 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-N/2023/D-208 dated 22.09.2023.

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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.

11. 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. 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 parties are hereby informed that the 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 finality.

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

(H.S. SOHAL)
MEMBER

(NISHAT A ALVI)
MEMBER(CRM)

(P.K. AGRAWAL)
MEMBER (LEGAL)

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

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