

**C A No. Applied for
Complaint No. 531/2024**

In the matter of:

Rahul Kumar

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

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

ORDER

Date of Hearing: 08th April, 2025

Date of Order: 09th April, 2025

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

1. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connections at premises no. Plot no. S-182, GF Second Floor and third floor, S-block, Pandav Nagar, Delhi-110092, vide request no. 8007075865, 8007075884 and 8007075876. The applications of the complainants were rejected by OP on the pretext of MCD booking.

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2. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking for three new domestic connections at ground, second and third floors of premises bearing no. S-182, S-blcok, Pandav Nagar, Delhi-110092. The applications of the complainant for new connection were rejected as the applied premises are booked by MCD on account of unauthorized construction letter dated 14.07.2020 vide letter no. EE(B)-II/Sh(s)/2020/D-302 in the name of Sh. Deepak, appearing at sl. no. 2, in shape of Unauthorized construction at GF and brick wall and column starting at FF. the same premises is booked again vide letter dated 19.10.2020 vide letter no. EE(B)/Sh(s)/2020/D-713 dated 19.10.2020 in the name of owner/builder in the shape of unauthorized construction at GF, FF, SF, 3rd and 4th floor.

Reply further stated that the complainant has failed to provide valid BCC/NOC from MCD department for release of new electricity connections.


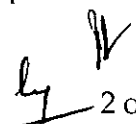
It is also submitted that applied premises is disputed by way of dispute/court case.

Hence, violation of provisions of Electricity Act and Regulations framed in respect to DERC (Supply Code and Performance Standards) Regulations 2017.

3. The complainant rebutted the contentions of the respondent as averred in their reply and submitted that already one connection in the name of Vijay Pal Singh having CA no. 100991423 is already installed at the applied premises. The rejoinder also stated that there is no dispute or court case with regard to the applied premises as there are four buildings having same address as S-182.

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The complainant also enclosed a site plan along with rejoinder showing that the booked property is different property and OP has released several connections in the said property in the year 2021. All the other buildings with same address already have electricity connections.

4. OP was directed to produce site visit report showing site map and all details of the connections in all the buildings having address S-182, Pandav Nagar. The site visit report submitted by OP stated that there are four buildings having address S-182. The details are as follows:
 - a) Building no. 1, having structure GF+4 and address as S-182B, already three electricity meters are installed in the said building.
 - b) Building no. 2, having structure G+4, address S-182, two meters exist at site.
 - c) Building no. 3, have building structure G+4, address S-182, and few electricity connections exist at site.
 - d) Building no. 4, having building structure G+3, address S-182, already one connection exists at site. MCD objection same site.
5. From the narration of facts and material placed before us we find as under:
 - a) that the complainant applied for new electricity connections which OP rejected on premises of the complainant booked by MCD vide letter no. EE(B)-II/Sh(s)/2020/D-302 dated 14.07.2020 and EE(B)/Sh(s)/2020/D-713 dated 19.10.2020.
 - b) The complainant has given many electricity bills vide meter no. 70333763, 70333764, 70335572, 70333765, 70334903, 70334904, 70334905, 70333766 and 70334887 showing address as S-182-B, some belongs to right side and some belongs to left side.

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- c) There are 11 electricity bills pertaining to address S-182, and the meters are installed at GF, FF, SF and 3rd floor.
- d) Joint inspection report shows the building structure as G+3 having existing meter no. 35797999 which is installed at First floor.
- e) MCD booking letter 14.07.2020 which shows booking file no. 02/B dated 01.01.2020 against S-182, Pandav Nagar, showing unauthorized construction in the shape of GF and brick wall and column satring at FF, which the OP alleges to pertain with the applied building.
- f) According to the complainant as alleged in Joint Inspection Report, there are four buildings at the applied address. The complainant has requested electricity connections at GF, SF and 3rd F, while meter no. 35797999 is installed at FF since 2010.
- g) It is quite peculiar that the electricity connection existed at FF and there was no connection on the GF. It appears that the complainant constructed the floors above FF after MCD booking in 2020.

6. Reference may be made to the order dated 11.12.2023 in W P (c) 7619/2023, BSES YAMUNA POWER LIMITED Vs GURVINDER KAUR & ANR. In para 7 the Hon'ble High court has observed as follows:-

“ in these circumstances, MCD is required to come to a conclusion as to whether the petitioner's property is the very same property which has been booked with the address 1/6875, Gali no. 5, Rohtas Nagar, Shahdara, Delhi-110032. For this purpose, Mr. Aditya Kapoor, learned counsel for respondent no. 1, states that the petitioner will make a representation to MCD within one week from today.

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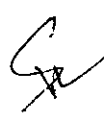
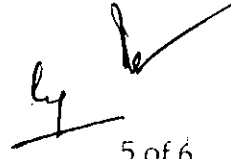
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The representation will be considered by MCD and a No Objection Certificate ("NOC") may be issued to respondent no. 1 in the event MCD come to a conclusion that the property in respect of which she is seeking a connection is different from the property which has already been booked by it or if MCD considers it otherwise appropriate not to object to the grant of the electricity connection in respect of respondent no. 1's property

Keeping the order dated 11.12.2023 along with the Hon'ble High Court's order in W.P. (c) 11236/2017 dated 20.12.2017, in case of Parivartan Foundation V/S. South Delhi Municipal Corporation & Others, in view it will be proper if the complainant obtains a BCC or NOC from MCD and submits it to the BYPL for grant of the electricity connection in respect of the complainant's property.

7. Thus, in view of above, we are of considered opinion that the complainant failed to prove that the booked premise and his premise are different, although the complainant pleaded that his portion is different from the booked portion but has not provided any legal document/evidence in support of his contention.
8. Therefore, for release of the new electricity connection the complainant has to file Building Completion Certificate or NOC from Municipal Corporation of Delhi.

 
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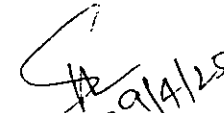

ORDER

The complaint is partially allowed. OP is directed that if in future the complainant submits Building Completion Certificate or NOC from M CD, the 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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