



C A No. Applied for
Complaint No. 532/2024

In the matter of:

Raj 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. Shanky R.S. Gupta, A.R. of the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht, Mr. Akshat Aggarwal & Ms. Chhavi Rani On behalf of BYPL

ORDER

Date of Hearing: 1st April, 2025

Date of Order: 04th April, 2025

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

1. The brief fact of the case giving rise to this grievance is that the complainant applied for new electricity connections at premises no. 14/126 & 127, Kalyanpuri, Chilla, Delhi-110091, vide requests no. ONMVR0608241017, ONMVR0608241034, ONMVR0608241063 & ONMVR0608241097. The applications of complainant were rejected by Opposite Party (OP) BYPL on the pretext of Address in MCD Objection

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List (Unauthorized Construction), energy dues -151016348, 151891837, 101088733 and applied portion no kitchen, but complainant stated that 2nd and 3rd floors are not booked in MCD.

2. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking new electricity connections at the property bearing no. 14/126 & 127, Ground Floor, First Floor, Second Floor & Third Floor, Kalyanpuri, Chilla, Delhi-110091, vide requests no. 8007112833(NX), 8007112844(DX), 8007112847(DX) & 8007112899(DX). The applications of the new connections were rejected on account of Firstly; property is in MCD Objection list for unauthorized construction Vide letter no. EE(B)-II/Sh(s)/2023/D-1328 dated 26.09.2023 at serial No. 27, in the shape of Raising of column wall entire ground floor & first floor. Secondly; pending same site energy dues against CA No. 15101638, 151891837.

Hence, Violation of the provisions of Electricity Act & Regulations framed in respect of DERC (Supply Code & Performance Standards) Regulations, 2017.

3. Complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the connections are being sought for ground floor, first floor, second floor and third floor where as it is admitted fact that ground floor and first floor are booked by MCD without any doubt. Complainant stated that his second and third floors are not booked by MCD; therefore he is liable to get new electricity connections at the second and third floor. He also submitted that in many cases connections are given by respondent on the floor which was not booked by MCD.

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4. Heard arguments of both the parties at length.
5. From the narration of facts and material placed before us we find that OP raised two grounds for rejecting application of the complainant for new connection. Firstly; the building is appearing in MCD booking lists dated 29.09.2023. Secondly; pending same site energy dues.
6. Regarding first objection of OP of MCD booking, complainant admitted in his argument that 14/126-127 Kalyan Puri where all four connections have been requested is booked by MCD but complainant filed details of the connections where OP has given several connections on the floors which are not booked by MCD and despite MCD booking on other floors of the same building, Regarding the second objection of OP of pending dues, the complainant denied to it.
7. Before we take up the second objection of pending dues, it is necessary to examine whether the property where electricity connections are requested is unauthorized construction or not. It is an admitted position that ground floor and first floor are unauthorized construction in this case as declared by MCD. It is a matter of common prudence that any floor constructed above unauthorized construction would be unauthorized only. The complainant has not produced any BCC to indicate if MCD has declared it otherwise. The law governing unauthorized construction is given below.
8. 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, 12

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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.

9. 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.

10. In this regard, Hon'ble Supreme Court of India, recently in the matter of Rajender Kumar Barjatya & Another Vs UP Avas Evam 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 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."

11. The complainant has applied new connections one commercial and three domestic for ground, first, second and third floors of the building which were rejected on the pretext of building booked by MCD for unauthorized construction EE(B)-II/Sh(s)/2023/D-1328 dated 26.09.2023.

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 Delhi High Court's Order in case of Parivartan Foundation Vs SDMC & Ors. WP (C) 11236/2017 vide the order dated 20.12.2017, new connection cannot be given.

ORDER

The complaint is rejected. OP has rightly rejected the application of the complainant of the new connection. This forum is unable to give my relief to his complainant.

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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