



C A No. Applied For
Complaint No. 311/2024

In the matter of:

Rekha Jain

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

1. Mr. Rakesh Sharma, A.R. of the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht, Mr. Nishant Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 13th August, 2024

Date of Order: 20th August, 2024

Order Pronounced By:- Mr. Nishat A Alvi, Member (CRM)

1. Present complaint has been filed by the complainant against rejection, of his applications for new connections. The ground OP rejected on is that the subject premises are booked by the MCD. Complaint alleged that she has submitted Building completion Certificate issued by MCD. Therefore, the complainant has prayed for the directions of this Forum to grant the OP for release of the connections applied for.

1 of 4

Complaint No. 311/2024

2. In reply to the complaint, OP states that the complainant applied electric connections on the different floors of the premises bearing no. IX/2673, Gali No. 17, Kailash Nagar, Gandhi Nagar, Delhi-110031. The request for connection was denied firstly- applied premise is having a height more than 15 meters for which Building completion Certificate/ Architect certificate/NOC from concerned authority such as MCD was required. Secondly- BCC submitted by the complainant could not be authenticated/validated and thirdly- Requisite certificate from DFS is must as the connections applied are of commercial nature. OP also states in reply that after perusing the BCC various suspicious things are evident from the face of it as to alleged BCC does not bear a valid digital signature. Moreover, chronology of dates as contained in the alleged BCC also raises doubt and suspicion. In view of the same, the alleged BCC submitted by the complainant cannot be relied upon unless and until the same stands authenticated by the concerned competent authority, for which OP has written a request letter dated 19.06.2024 to MCD requesting for verifying the authenticity of the alleged BCC. Response from MCD is still awaited.
3. In rejoinder to this reply, in addition to the averments in the complaint, the complainant attached copy of e-mail of OP dated 25.07.2024 addressed to Executive Engineer Building seeking confirmation of BCC issued for property bo. IX/2673, Gali no. 17, Kailash Nagar, Gandhi Nagar, Delhi-110031, and the confirmation mail from MCD dated 30.07.2024 of BCC issued by MCD for request ID 20008726.
4. In support of their contentions, complainant has placed on record list of the connections granted in the subject premises, deficiency letter, and copies of the concerned bills. On the other hand OP has placed on record MCD letter containing the list of booked premises besides its IR.

[Signature]

[Signature]

[Signature]

[Signature]

Complaint No. 311/2024

5. Heard both the parties and perused the record.
6. As per pleadings, the complainant applied for non-domestic connections on the GF, FF, SF and TF of premises no. IX/2673, Gali No. 17, Kailash Nagar, Gandhi Nagar, Delhi-110091 vide request no. 8006899225, 8006899242, 8006899249 and 8006899255. Against these requests OP issued a deficiency letter, thereby requiring NOC from concerned agency. To comply with, complainant submitted a BCC, which OP got duly verified from MCD, vide MCD mail dated 30.07.2024 stating that BCC having request vide ID No. 20008726 has been issued by empanelled professional of MCD. But despite this valid BCC, OP insists for fire clearance certificate from Delhi Fire Services. Reason for this requirement, OP states, that DERC (Supply Code and Performance Standards) (Sixth Amendment) Regulations 2024, states that for buildings above 15 meters height, Fire Clearance Certificate is must, OP was asked to place on record the said amendment, which the OP failed to, despite time given for the same to it and it came to light that these are only draft Regulations requiring suggestions/objections from Stakeholders/general public for such amendment. Thus this objection/requirement of OP is premature and baseless until the suggested amendment is finally regulated by the DERC.
7. Hence, the objection of OP for requirement of Fire Certificate apart from BCC of MCD department is unjustified and baseless.
8. Since the complainant has fulfilled the requirement of OP, as aforesaid, we don't find any hurdle in grant of the connection.



Complaint No. 311/2024

ORDER


The complaint is allowed with direction to OP to release the new connections as applied for, by the complainant, under non-domestic category vide request numbers 8006899249, 8006899225, 8006899255 and 8006899242 after completion of commercial formalities as per DERC (Supply Code and Performance Standards) Regulations 2017.


OP shall file compliance report within 21 days from the date of this order.

The case is disposed off as above.

No order as to the cost. Both the parties should be informed accordingly.
Proceedings closed.


(NISHAT A ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN