

C A No. Applied For
Complaint No. 322/2024

In the matter of:

Rohit BansalComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Neeraj Kumar, Counsel of the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht, Ms. Chhavi Rani Mr. Akshat Aggarwal & Mr. Lalit, on behalf of respondent.

ORDER

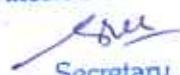
Date of Hearing: 30th July, 2024

Date of Order: 05th August, 2024

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

1. The complaint has been filed by Mr. Rohit Bansal against BYPL, G.T. Road. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connection vide request no. 8006940335 at premises no. 520/1&2, 1st floor, Dilshad Garden Industrial Area, below flyover, Delhi-110095 but respondent rejected the application of the complainant on the pretext of MCD objection.

Attested True Copy


 Secretary
 CGRF (BYPL)


 1 of 6

Complaint No. 322/2024

2. OP in its reply briefly stated that the complainant is seeking new electricity connection on the first floor of property bearing no. 520/1&2, Dilshad Garden Industrial Area, below flyover, Delhi-110095. The complainant had applied vide request no 8006940335 for a commercial connection.

Reply further added that applied premises is booked on account of unauthorized construction vide MCD letter dated 09.09.2022 which is not disputed and has been duly tested by this Hon'ble Forum as well as by Hon'ble Ombudsman in appeal no. 24/2023 titled as Shyam Sundar Dua Vs BYPL.

OP further submitted that complainant has also concealed the previous round of litigation qua the aforesaid premises which was decided by this Hon'ble Forum vide CG No. 454/2024 wherein the Hon'ble Forum was pleased to dismiss the said complaint on account of finality of proceedings.

OP also added that the reliance placed by the complainant on RTI is completely misconceived as the same does not pertain to the applied premises. Hence, the said RTI cannot be taken into consideration as being unrelated and inconsistent.

3. Rejoinder filed by complainant refuted the contentions of the respondent as averred in their reply and states that the complainant has applied for new connection only for first floor. The complainant has already submitted RTI reply dated 08.05.2024 at the premises situated at 520/1&2; first and second floor is not booked.

Complaint No. 322/2024

It was also submitted that respondent has already send an e-mail for confirmation on 27.05.2024 to concern MCD department and OP received reply through e-mail in this regard from MCD department on 03.07.2024 that as per record the letter bearing no. EE(B)-I/SH-N/2024/D-145 dated 08.05.2024 was issued by this office and same is authentic. Thereafter, respondent deliberately once again send e-mail for confirmation on 03.07.2024 to MCD department.

4. RTI reply from MCD states that, "as per record bearing no. 520/1&2, Mahalaxmi compound, GT Road, Dilshad Garden Industrial Area, Delhi-110095 has not been booked against unauthorized construction at first floor and second floor in the name of Sh. Rohit Bansal.
5. Heard arguments of both the parties.
6. From narration of facts and material placed before us we find as under:

- a) That the complainant initially approached this Forum in the year 2022 for release of new electricity connection and Forum vide its order dated 09.01.2023 directed as under:

From the perusal of evidence placed on record pleadings and after hearing both the parties it is transpired that the addresses mentioned in EDMC letter no. EDMC/EE(B)-7/SH-N/2018/D-51 dated 08.02.2018 at sl. no. 293 and 294 as Plot no. 520/11, Ganpati Compound, Dilshad Garden and 520, Mahalaxmi Rolling Mill, Delhi respectively which nowhere matches with the address of the complainant i.e. 520/1 & 2, Mahalaxmi Compound, Dilshad Garden, Delhi. Therefore, OP fails to provide concrete evidence that the premises of the complainant is booked by MCD.

Attested True Copy

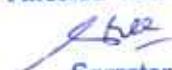
Secretary
CGRF (BYPL)

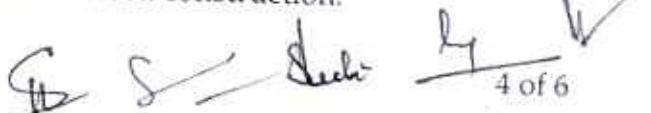
Complaint No. 322/2024

In view of the above, we are of considered opinion that OP cannot restrain the new connection to the complainant. The complaint is allowed. OP is directed to release the new connection to the complainant as per above stated directions and completion of all the necessary commercial formalities as per DERC Guidelines.

- b) Thereafter, another case of the same compound/area was filed in the Forum in the name of Sh. Shyam Sunder Dua vide CG No. 127/2023, the said matter was heard and appeal of the complainant for restoration of electricity supply was rejected by this Forum, as OP has placed on record the MCD sealing drive orders.
- c) Aggrieved with the orders of the Forum, Sh. Shyam Sunder Dua, approached Hon'ble Ombudsman and Hon'ble Ombudsman vide its order dated 01.09.2023 ordered to disconnect the electricity connection released in favour of Rohit Bansal.
- d) Sh. Rohit Bansal again approached this Forum for re-connection of his electricity connection against C A No. 154037765 vide C.G. No. 454/2023, the said complaint was rejected as the matter has already been decided by Hon'ble Ombudsman and this Forum has no jurisdiction to entertain any grievance if it pertains to the same subject matter for which any proceedings before any court, authority or any other forum is pending or a decree, award or a final order has been passed by any competent court, authority or Forum.
- e) Now the complainant again approached this Forum for release of new electricity connection for the first floor of property no. 520/1&2, Dilshad Garden Industrial Area, below flyover, Delhi-110095. The said property was booked by MCD vide their order no. EE(B)-I/SH-N/2022/D-268 dated 09.09.2022. The said order clearly stated that properties no. 520/1&2, 520/5, 520/6, 520/7, 520/10 and 520/12, Mahalaxmi and Ganpati Compund, G.T. Road, Dilshad Garden, Delhi are booked against un-authorized construction.

Attested True Copy


Secretary
CGRF (BYPL)


4 of 6

f) Complainant also placed on record an RTI reply from MCD, which states that, 'as per record property bearing no. 520/1&2, Mahalaxmi Compound, GT Road, Dilshad Garden Industrial Area, Delhi-110095 has not been booked against unauthorized construction at first floor and second floor in the name of Sh. Rohit Bansal.

g) This version of MCD does not prove that property is not booked, it says the property at first floor and second floor is not booked in the name of Sh. Rohit Bansal, this version does not rule out the MCD booking, the complainant should have placed on record Building Completion Certificate or NOC from MCD in support of his contention.

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."

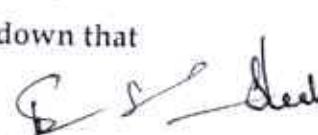
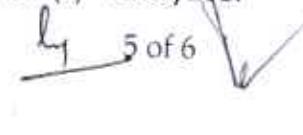
DERC (Supply Code and Performance Standards) Regulations 2017, Rule 11 (2)(iv)(c) shows that "the Licensee shall not sanction the load, if upon inspection, the Licensee finds that;

(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

Attested True Copy


Secretary
CGRF (BYPL)

 5 of 6 

Complaint No. 322/2024

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. Regarding the judgment of Hon'ble Ombudsman in the matter of Imran Vs BYPL, in this regard, both the cases are entirely different. In the matter of Imran the complainant has placed on record BCC which OP needs to verify from the MCD.
But in the present case the complainant has not placed on record any BCC or NOC from MCD which needs to be verified from MCD.
10. Thus, in view of above, we are of considered opinion that the new connection applied by the complainant cannot be granted. For release of the new electricity connection the complainant has to file Building Completion Certificate from Municipal Corporation of Delhi.

ORDER

Complaint is rejected. Respondent has rightly rejected the application of new connection of the complainant. However, if in future the complainant submits Building Completion Certificate, OP should release him new electricity connection, subject to fulfilling any other required formalities.

The case is disposed off as above.

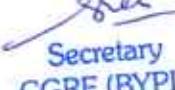
No order as to the cost. Both the parties should be informed accordingly. Proceedings closed.


(S.R. KHAN)
MEMBER - TECH


(P.K. SINGH)
CHAIRMAN


(P.K. AGRAWAL)
MEMBER - LEGAL


(NISHAT AHMAD ALVI)
MEMBER - CRM

Attested True Copy

Secretary
CGRF (BYPL)


(H.S. SOHAL)
MEMBER 6 of 6