

Consumer Grievance Redressal Forum
FOR BSES YAMUNA POWER LIMITED
(Constituted under section 42 (5) of Indian Electricity Act. 2003)
Sub-Station Building BSES (YPL) Regd. Office Karkardooma,
Shahdara, Delhi-110032
Phone: 32978140 Fax: 22384886
E-mail:cgrfbyp1@hotmail.com
SECY/CHN 015/08NKS

C A No. Applied For
Complaint No. 10/2025

In the matter of:

S. Digpal SinghComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. S.K Khan, Member (Tech.)
4. Mr. H.S. Sohal, Member

Appearance:

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

ORDER

Date of Hearing: 06th March, 2025

Date of Order: 11th March, 2025

Order Pronounced By:-Mr. P.K. Singh, Chairman

1. The present complaint has been by Mr. S. Digpal Singh against BYPL- CCK.
2. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connection vide request no. 8007368819 at premises no. 413, Prop-413 Haveli Haider Quli,

Attested True Copy at Mata Mandir, Delhi -110006.

Secretary
CGRF (BYPL)

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The application of the complainant was rejected by the opposite party (OP) on the pretext of address in MCD objection list and required BCC or NOC.

3. The respondent in reply briefly stated that the complaint has been filed by the complainant seeking for new NX connection at the premise no. 413, Prop-413 Haveli Haider Quuli, near Mata Mandir. Delhi -110006. The application of the complainant for new connection was rejected by the respondent in view of the deficiencies for the want of fire clearance certificate and MCD objection qua the applied site. At the time of inspection it was discovered that applied premises which is GF+ 5 floor (commercial) is having height more than 15 meters and applied site is found to be appearing in MCD booking List dated 04.01.2023 at sr. no-22 in the name of Mr. Rishi Pal Goyal in the nature of unauthorized construction by way of converting hall into commercial shops/godowns.

Hence, in view of the aforesaid material fact, the complainant's request is rightly rejected by the respondent since the same was in the contravention to the provisions of the Delhi Electricity Regulatory commission (supply code & Performance Standards) Regulations, 2017.

4. Counsel for the complainant in its rejoinder refuted that contentions of the respondent as averred in their reply and submitted that a new connection was applied vide order no. 8007368819 at premises bearing house no. 413, Prop-413 Haveli Haider Quli, near Mata Mandir. Delhi -110006. Complainant applied for new DX connection vide order no. 8007368819 at ground floor. The complainant in its rejoinder further added that Katra no. 413 is a huge katra and OP has released many new connections in the said Katra.

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[Handwritten signatures/initials: SK, Y, P]

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Complainant further submitted that he is ready to submit any type of affidavit/undertaking, if the connection released on the applied premises as per direction by the Hon'ble CGRF.

5. Heard both the parties and perused the record.
6. As far as legal position is concerned, according to DER (Supply and Performance Standards) Regulations, 2017 Rule 10 (3) for the new connection proof of ownership or occupancy is required.

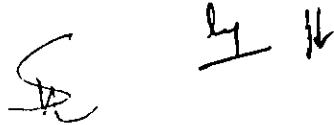
Perfoma for new connection has been provided in DER (Supply and Performance Standards) Regulations, 2017 as annexure 1, seven declarations are required as per forma and in this case 5th one is important "that the building has been constructed as per prevalence building bye-laws and fire clearance certificate, if required, is available with the applicant."

DER (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: the energizaiton 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.

Hon'ble Supreme Court of India, recently in the matter of Rajender Kumar Barjatya & Another Vs UP Avas Evan 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 Supreme Court of India in the matter "Supertech Vs Emerald Court Owners Resident Welfare Association (2021) 10 SCC 1, observed that unauthorized construction destroys the concept of planned development and places unbearable burden on basic amenities provided by local authorities. It was imperative for the public authorities to not only demolish such construction but also to impose a penalty on wrong doers involved.

Hon'ble Delhi High Court in case of Parivartan Foundation V/S. South Delhi Municipal Corporation & Others W.P. © 11236/2017 dated 20.12.2017 has laid down that

1. 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.
2. 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.

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."

7. We have gone through the submissions made by both the parties. From the narration of facts and material placed before us we find that the premises of the complainant has been booked by MCD on account of "unauthorized construction by way of covering hall into commercial shops/godowns by raising partition walls", under section 343/344 of the DMC Act 1957. The complainant has only

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The complainant has not placed on record any documentary evidence in support of his contention that it's not his premises which is booked by MCD. Therefore, in the absence of substantial proof, we cannot grant application of the complainant for new connection.

8. Thus, in view of above, we are of considered opinion that the new connections applied by the complainant cannot be granted. For release of the new electricity connections the complainant has to file Building Completion Certificate from Municipal Corporation of Delhi.

ORDER

Respondent has rightly rejected the application of the complainant of the new connection. However, if in future the complainant submits the Building Completion Certificate, 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.

anjeet
(H.S.SOHAL)
MEMBER

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S. Secretary
CGIOGRF (RYPI)

by
(P.K. AGRAWAL)
MEMBER (LEGAL)

S.R. KHAN 13/15
MEMBER (TECH.)

H. 11/3125
(P.K.SINGH)
CHAIRMAN