

C G R F



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

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SECRETARIAL STAFF

1. C A No. Applied for
2. Complaint No. 364/2024

In the matter of:

Sahawar Ahmad & OthersComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

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

ORDER

Date of Hearing: 12th September, 2024

Date of Order: 23rd September, 2024

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

1. The brief facts of the case giving rise to this grievance are that the complainant applied for four new electricity connections at premises no. 2072, Ground to Third Floor, Ward No. VIII, Katra Gokul Shah, Bazar Sitaram, Delhi-110006, vide requests no. 8007006450, 8007004002, 8007003993 & 8007004065. The application of complainant was rejected by OP on the pretext of Address in MCD Objection List (Unauthorized Construction), applied portion found locked.

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CGRF (BYPL)

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Complaint No. 364/2024

2. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking four new connections at premises no. 2072, Ground to Third Floor, Ward No. VIII, Katra Gokul Shah, Bazar Sitaram, Delhi-110006, vide requests no. 8007006450, 8007004002, 8007003993 & 8007004065. The applications of the new connections were rejected on account of property is in MCD Objection list of unauthorized construction Vide letter no. D-21/EE(B)CSPZ/2024 dated 12.04.2024 at serial No. 7 in the shape of unauthorized construction in the shape of excess coverage from ground floor to third floor against sanctioned building plan I.D. 10112356, unauthorized construction of fourth floor without sanction plan.

That upon inspection of such premises it was discovered that second floor and third floor found locked at the time of inspection while the complainant's no. was not reachable and stated to be out of station. Height of the applied premises having Ground plus six floors and is more than 15 meter (mix structure), which mandates the requisite Completion or occupancy Certificate.

3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the property of the complainant is not booked by MCD on account of unauthorized construction.

Complainant along with rejoinder submits sanction plan from MCD under SARAL Scheme vide request ID. 10112356 dated 23.02.2023 and another sanction plan under SARAL Scheme vide Request ID. 10115144 dated 28.04.2023. Thereafter twelve electricity connections have been released on above said premises by the respondent.

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CGRF (BYPL)

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4. Heard arguments of both the parties were heard at length.
5. 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.
6. 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.

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g/s
Secretary
CGRF (BYPL)

7. From above discussions it is clear that complainant has applied new connections for ground, second and third floor of the building which was rejected on the pretext of all the four floors booked under Section 343 and 344 of DMC Act vide letter no. D-21/EE(B)/CSPZ/2024 dated 12.04.2024.

Although the Building Completion Certificates submitted by the complainant vide ID no. 10112356 dated 23.02.2023 and ID no. 10115144 dated 28.04.2023 were issued by MCD in the year 2023 and the MCD booking list is of the year April 2024 i.e. almost one year after issuance of the Building Completion Certificate by MCD. 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. W.P. (c) 11236/2017 dated 20.12.2017, new connection cannot be given..

8. Therefore, we are of the opinion that the premises have been constructed in violation of Rules and Regulations as per law. Therefore, OP cannot be compelled to release the connection.

ORDER

Complaint is rejected. Respondent has rightly rejected the application of new connection of the complainant.

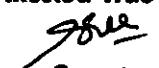
The case is disposed off as above.

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


(S.R. KHAN)
MEMBER-TECH

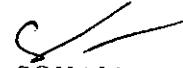

(NISHAT AHMAD ALVI)
MEMBER-CRM

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Secretary
CGRF (BYPL)


(P.K. SINGH)
CHAIRMAN


(P.K. AGRAWAL)
MEMBER-LEGAL


(H.S. SOHAL)
MEMBER