



C A No. Applied for  
Complaint No. 214/2024

In the matter of:

Samina Noor

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

1. Mr. Nishikant Ray, Counsel for the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal On behalf of BYPL

ORDER

Date of Hearing: 13<sup>th</sup> August, 2024

Date of Order: 19<sup>th</sup> August, 2024

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

1. The brief facts of the case giving rise to this grievance are that the complainants applied for two new electricity connections at premises No. 921, Ground Floor & Third Floor, Left Side, Lambi Gali, Chowk Kishan Ganj, Azad Market, Near Sheesh Mahal, Delhi-110006 vide requests no. 8006751848 & 8006751745. The application of complainant was rejected by Opposite Party (OP) BYPL on the pretext of MCD Booking & NOC/Completion and Occupancy Certificate required,

*[Signature]*

*[Signature]*

*[Signature]*





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Energy dues against CA and Architect Certificate for height of building more than 15 meters.

2. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking for two new connections at premises no. 921, Ground Floor & Third Floor, Left Side, Lambi Gali, Chowk Kishan Ganj, Azad Market, Near Sheesh Mahal, Delhi-110006 vide requests no. 8006751848 under commercial category for ground floor & 8006751745 for third floor. The site was inspected and it was found that the building structure consists of ground floor plus four floors over it. The applied floor is effectively the 4<sup>th</sup> floor. Further on site visit the applied floor was found to be incomplete with temporary wiring. The building was found to be commercial in nature having shutters on Ground floor.

Upon inspection, the application of the complainant was rejected on account of the applied premises were found booked by the MCD two times on different date's First list bearing no. EE(B)/City-S.P.Zone/2018 dated 03.07.2018 was circulated and forwarded to the respondent by the MCD wherein the subject building is mentioned at serial No. 17, unauthorized construction is in the shape of GF, FF, and SF in the back side of the property and Second list bearing no. SE/CSPZ/2018 D-736 dated 28.11.2018 was circulated and forwarded to the respondent by the MCD wherein the subject building is mentioned at serial no. 90. It has been stated that unauthorized construction is in the shape of GF, FF, SF, and TF with projection on MPL land. Beside the MCD objection, new connection was also rejected on account of same site energy dues qua CA Nos. 100499101, 100499114, 100469667, 100346095, 100493344, 100531667. Apparently the entire building is owned by the complainant and as such all outstanding dues is required to be cleared by complainant.

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Reply further states that regarding the claim that there are more than one building having same address and as such it is not the building of the complainant which is booked by MCD, it is stated that only MCD can confirm the same and as such in respect of the present complaint, the complainant be directed to approach Hon'ble Civil Courts wherein MCD can be impleaded as party to clarify as to whether the building of complainant is booked by MCD or not. As far as OP is concerned, on site inspection it was found that there is only one building bearing no. 921 i.e. the subject property.

3. Rejoinder filed by the complainant refuted the contentions of the respondent as averred in their reply and submitted that the property of the applicant has not been booked by MCD for unauthorized construction and building has height below 15 meters. So, it is not necessary to file building completion certificate. Whereas the other building next to the applicant's building has been booked by MCD. Rejoinder further states that there are multiple properties of same address. If the applicant has any outstanding bills on her flat and shop for which she wants new electricity connection, then she is ready to pay the same. It is clear applicant that the applicant building has not booked by MCD unauthorized construction, so it is not necessary BCC.
4. Heard both the parties and perused the record.
5. From the narration of facts and material placed before us we find that complainant applied for new connections which OP rejected on pretext of building booked by MCD and energy dues pending. Regarding the first objection of OP, that the building of the complainant is booked by MCD and there is no other property of the



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address 921, apart from the property of the complainant. Moreover, complainant in support of her contention has not placed on record any document clearing that there are multiple properties of same address. Therefore, this contention of the complainant cannot be relied upon. Regarding the outstanding dues at the applied premises, the complainant here too failed to support her contention that she is not the beneficiary of the pending dues.

6. 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 5<sup>th</sup> 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.

7. 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



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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.
8. From above discussions it is clear that complainant has applied new connections for ground floor and third floor of the building which was booked under Section 343 and 344 of DMC Act vide letter no. EE(B)/City-S.P. Zone/2018 D-2013 dated 03.07.2018 and list bearing no. SE/CSPZ/2018 D-736 dated 28.11.2018.
9. 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.

  
(NISHAT A. ALVI)  
MEMBER (CRM)

  
(P.K. AGRAWAL)  
MEMBER (LEGAL)

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

  
(P.K. SINGH)  
CHAIRMAN