

C A No. Applied For
Complaint No. 69/2024

In the matter of:

Sandeep Jain

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmed 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. Imran Ui Haq Siddiqi, Counsel of the complainant
2. Ms. Ritu Gupta, Ms. Chhavi Rani & Mr. Akshat Aggarwal, on behalf of respondent.

ORDER

Date of Hearing: 11th July, 2024
Date of Order: 16th July, 2024

Attested True Copy

Secretary
CGRF (BYPL)

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

1. The complaint has been filed by Mr. Sandeep Jain against BYPL-LNR. The brief facts of the case giving rise to this grievance are that Mr. Sandeep Jain applied for new connection vide request no. 8006740159 at premises no. J-3/86, 4th Floor, J-Extn, Laxmi Nagar, Delhi-110092 but respondent rejected the application of the complainant for new Connection on the pretext of "Building height is more than 15 mtrs and dues at site".

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2. OP in its reply briefly stated that the complainant is seeking electricity connection on the fourth floor of premises bearing no J -3/86, 4th Floor, J-Extn, Laxmi Nagar, Delhi-110092. The complainant applied for a new domestic connection vide request no. 8006740159 which was rejected as the building consisting of ground plus four floors over it and hence building height may be more than 15 mtr. As such applicant is required to submit approved MCD architect wherein it is certified by architect that height of the building is within 15 mtrs falling which it shall be assumed that height of building is more than 15 mtrs and as such scenario as per DERC regulation, Fire safety Clearance or a building completion certificate (BCC) in lieu thereof is required.

Besides the height issue, energy dues pertaining to the subject premises also exist. The details of the direct theft bills pertaining to the applied premises as duly verified through the DT video prepared at the time of inspection/ raid are as under:-

S.No	CA No.	User	Dues (inRs.)
1.	401159258	Vijay	23,039
2.	400608769	Deepsikha	54,706
3.	400925072	Vijay	51,142
4.	401142147	Vijay	33,257
5.	401142148	Deepsikha	34,712
6.	401159257	Dushyant	52,916

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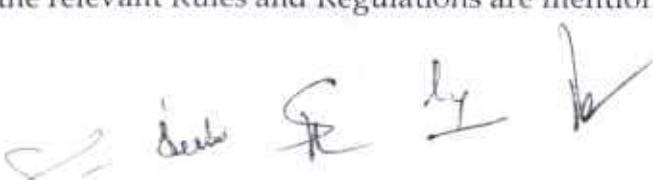
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Besides the afore detailed enforcement dues there are also regular consumption bill as respect of CA No. 101020402 which is outstanding thus on payment of all outstanding dues and submission of architect certificate or building completion (BCC) on fire certificate new connection can be released.

3. In response to the reply the complainant filed rejoinder and stated that he is seeking new electricity connection vide request no. 8006740159 for the premises bearing no. 3/86, 4th Floor, J-Extn, Laxmi Nagar, Delhi-110092, and same was rejected by the OP on false and frivolous reason of several pending dues and requirement of architect certificate. It is submitted that the complainant has purchased the flat on fourth floor of above mentioned address consisting of two flats at each floor on 4th January 2022 and the OP is seeing several dues/bill from the complainant which do not pertain to the flat/applied premises at fourth floor, further the OP is also asking the complainant to deposit dues of third floor of applied building which is illegal act on the part of the OP.

OP is asking from the complainant to pay the dues pertaining to the third floor of the premises.

4. OP has raised two fold deficiencies and rejected the application of the complainant for new connection, firstly the height of the building is more than 15 meters, therefore, fire safety certificate or BCC is required and secondly, there are pending enforcement as well as energy dues at the same site.
5. Before disposal, the relevant Rules and Regulations are mentioned here:-


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Regulation 13 of THE DELHI ELECTRICITY REGULATORY
COMMISSION (Forum for Redressal of Grievances of the
Consumers and Ombudsman) REGULATIONS, 2018

13. Limitation of Jurisdiction of the Forum

(2) The Forum shall not entertain grievances falling under Sections
126, 127, 135 to 139, 142, 152, and 161 of the Act.

6. In the present case dues pertaining to DT are pending and for disposal of said dues the complainant has to approach appropriate court/forum as per above said Regulation, this Forum has no jurisdiction to entertain such complaint.
7. Therefore, the complainant is directed to approach appropriate court/forum for disposal of pending enforcement dues, thereafter should approach this Forum for disposal of other objection of OP and release of new electricity connection thereof.

The case is dismissed off as above.

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


(S.R. KHAN)
MEMBER -TECH


(NISHAT AHMAD ALVI)
MEMBER-CRM


(P.K. SINGH)
CHAIRMAN


(P.K. AGRAWAL)
MEMBER -LEGAL


(H.S. SOHAL)
MEMBER


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Secretary
CCRF (BYPL)