

C A No. Applied for
Complaint No. 435/2024

In the matter of:

Sher Singh

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

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

ORDER

Date of Hearing: 12th December, 2024

Date of Order: 16th December, 2024

Order Pronounced By:- Mr. H. S. Sohal, Member

1. The brief facts of the case giving rise to this grievance are that the complainant applied for a new electricity connection at premises no. C-1/158, Ground Floor, Kh. No. 38/3, Main Jail Road, C-1 Block, Harsh Vihar, Shahdara, Delhi-110093, vide request no. 8006389764. The application of complainant was rejected by Opposite Party on the pretext of MCD Objection, NOC or Completion and Occupancy

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Certificate required.

Secretary
CGRF (BYPL)

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2. The respondent in reply briefly stated that the present complaint has been filed by the complainant seeking for one new connection at the shop on the ground floor of the property bearing no. C-1/158, GF, Kh. No. 38/3, Main Jail Road, C-1 block, Harsh Vihar, Shahdara, Delhi-110093, vide requests no. 80063899764. The application of the new connection was rejected on account of property is in MCD Objection list of unauthorized construction Vide letter no. EE(B)-I/SH-N/2019/D-87 dated 22.05.2019 at serial No. 28 that too in the same name of the complainant Mr. Sher Singh.

Respondent submits that the grant of new connection in the light of aforesaid objections which are directly violation of the applicable provisions of the DERC (Supply Code & Performance Standards) Regulations, 2017 no new connection can be released in the instant case.

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 in MCD due to unauthorized construction and there is no violation of the provisions of DERC Rules and Regulations and there is no need of BCC.

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

5. As far as legal position is confirmed according to DERC (Supply 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 and Performance Standards) Regulations, 2017 as annexure 1, seven declarations are required as per forma and in this case 5th one is

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important "that the building has been constructed as per prevalence building bye-laws and fire clearance certificate, if required, is available with the applicant."

DERC (Supply Code and Performance Standards) Regulations 2017, Rule 11 (2)(iv)© 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 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 provide 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.

7. Hon'ble Delhi High Court in case of Parivartan Foundation V/S. South Delhi Municipal Corporation & Others W.P. (c) 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.

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8. From the narration of facts and material placed before us we find that the complainant applied for a new connection which OP rejected on pretext of the building is appearing in MCD booking list, Vide letter no. EE(B)-I/SH-N/2019/D-87 dated 22.05.2019 at serial No. 28 that too in the same name of the complainant Mr. Sher Singh. Against the objection of OP, the complainant has not placed on record any evidence in support in his contentions. He has neither placed on record BCC or NOC from MCD.
9. 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

The complaint is rejected. Respondent has rightly rejected the application of the complainant of the new connection. However, if in future the complainant submits Building Completion Certificate, OP should to release him new electricity connection, subjection 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.

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Secretary
CGRF (BYPL)

(H.S.SOHAL)
MEMBER


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K.SINGH)
CHAIRMAN