

C A No. 154380211
Complaint No. 316/2024

In the matter of:

Sushil Kumar

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Ouorum:

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

Appearance:

1. Mr. Nishikant Ray, Counsel of the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht & Ms. Lalit, On behalf of BYPL

ORDER

Date of Hearing: 27th August, 2024

Date of Order: 30th August, 2024

Order Pronounced By:- Mr. P.K. Agrawal, Member (Legal)

1. This complaint has been filed by Mr. Sushil Kumar against BYPL-Pahar Ganj. The brief facts of the case giving rise to this grievance is that he applied for load enhancement from 2 KW to 11 KW for CA No. 154380211 vide request no. 8006867890 at premises no. 7440, Gali Rell Mill, Ram Nagar, Paharganj, Delhi-110055, but respondent rejected the application of the complainant on pretext of requirement of Building

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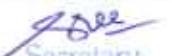
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Secretary
CGRF (BYPL)

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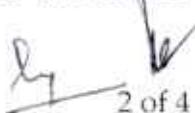
Completion Certificate/Architect Certificate for height of building MCD's NOC or completion and occupancy certificate required consent to establish from DPCC for industrial/commercial. Architect certificate required, address in MCD objection U/C and re-location, DPCC required.

2. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking load enhancement from 2 KW to 11 KW in respect of the electricity connection bearing CA No. 154380211 installed at premises no. 7440, Gali Rell Mill, Ram Nagar, Paharganj, Delhi-110055, vide request no. 8006867890. The application of the load enhancement was rejected on four grounds. Firstly, the property is in MCD Objection list of unauthorized construction Vide letter no. D-405/SE/C-SPZ/2022 dated 13.10.2022 at serial No. 05 of deviations against SBP in shape of excess coverage, covering the open space from basement to second floor vide I.C. No. 10100889 dated. 04.05.2022. Secondly, applied premises also find mentioned under the list of allottees under relocation scheme detailing out the exact address of the applied premises. Thirdly, complainant need to furnish the requisite 'Architect Certificate' for establishing the structure for the load enhancement as sought by way of the present complaint. Fourthly, Complainant who is running the commercial factory/activities from the applied premises needs to submit the NOC from DPCC as in terms of the regulations, no commercial activities can be carried out from the Residential/Non-Confirming Area without the permission from the competent authority. Complainant also needs to file the requisite affidavit undertaking only the allowed activity would be carried out and nothing else.

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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 has neither been booked by the MCD and building has height below 15 meters. So, it is not necessary to submit BCC/Architect certificate. Hence, no violence of the provision of Electricity Act & Regulations (Supply Code & Performance Standards Regulations 2017). Rejoinder further added that there are multiple properties of same address i.e. having building no. 7440. It is also mentioned that one non-domestic connection is already installed in the said building having C A No. 154580211 and its name was changed in February 2024.
4. Arguments of both the parties are heard at length.
5. From the narration of facts and material placed before us we find that the complainant applied for load enhancement of non-domestic connection having C A no. 154380211, which OP rejected for want of Architect Certificate to establishing the structural feasibility for the requisite structure for the load enhancement as sought by way of the present complaint and NOC from DPCC stating that no commercial activity can be carried out from the residential/non-confirmed area without the permission from the competent authority. OP also asked for BCC or NOC from MCD as the premise of the complainant is booked vide letter no. D-405/SE/C-SPZ/2022 dated 13.10.2022 in shape of deviations against SBP in shape of excess coverage, covering the open space from basement to second floor vide I.C. no. 10100889 dated 04.05.2022.
6. Against the objections of OP, the complainant has not placed on record any evidence in support of his contentions. He has neither placed on record BCC or NOC from MCD nor NOC from DPCC.

7. In view of the above facts, we are of considered opinion that the building of the complainant is booked by MCD and there is no proof on record to show that there is any other property of the same address 7440, apart from the property of the complainant. Therefore, this contention of the complainant cannot be relied upon.

Since the area where the complainant wants load enhancement is non-
confirming area, thus NOC from DPCC is also required.

ORDER

The complaint is rejected. The request of the complainant for load enhancement vide request no. 8006867890 for CA no. 154380211 at premises no. 7440, Gali Rell Mill, Ram Nagar, Paharganj, Delhi-110055, cannot be granted unless and until BCC or NOC from MCD and DPCC certificate is submitted to the OP.

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


(P.K.SINGH)
CHAIRMAN

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Secretary
CGRF (BYPL)


(P.K.AGRAWAL)
MEMBER-LEGAL


(H.S. SOHAL)
MEMBER