

C G R F

B Y P L

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
Phone: 32978140 Fax: 22384886
E-mail: cgrfbypl@hotmail.com

C A No. Applied for
Complaint No. 118/2024

In the matter of:

Umesh Kumar

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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)

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht & Ms. Chhavi Rani On behalf of BYPL

ORDER

Date of Hearing: 23rd July, 2024

Date of Order: 29th July, 2024

Order Pronounced By:- Mr. S.R. Khan, Member (Technical)

1. The brief fact of the case giving rise to this grievance is that the complainant applied for new electricity connections at premises no. A-4/5-6, G/F, F/F, S/F, T/F, Nand Nagari, Delhi-110093, vide requests no. 8006737018, 8006740274, 8006736997, 8006740284. The application of complainant was rejected by Opposite Party (OP) BYPL on the pretext of Address in MCD list and temporary meter exists at site

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Secretary
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2. The respondent in reply briefly stated that the present complainant has been filed by complainant seeking new electricity connections for the multiple floors of the property bearing no. A-4/5-6, Nand Nagari, Delhi-110093, vide requests no. 8006737018, 8006740274, 8006736997, 8006740284. The applications of the new connections were rejected as the property is appearing in MCD Objection list for unauthorized construction at Ground Floor, First Floor, Second Floor, Third Floor & Fourth Floor vide letter no. FI(B)-I/SH-N/2023/D-19 dated 27.03.2023 at serial No. 16.

Complainant's reliance upon an RTI response dated 09.11.2023 is also misplaced and misconceived as the premises stands booked in the name of Sh. Jagdish (Sr. No. 16 of booking list) viz-a-viz the address of the applied premises and the RTI response states that the aforesaid premises is not booked in the name of Sh. Umesh Kumar Gupta as the same stands booked in the of Sh. Jagdish. Hence, the premise being booked by MCD is not disputed at all.

Respondent further submits upon inspection it was discovered property bearing no. A-4/5 & A-4/6, Nand Nagari, Delhi-110093 and there exist no other premise with the aforesaid address. OP has again written a mail to MCD thereby requesting it to clarify the aforesaid position as allegedly disputed by the complainant. However, no response has been received from MCD till date. Moreover, there exist one Temporary Meter with CA No. 351354239 which also ought to be surrendered by the complainant.

3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the complainant obtained the RTI reply from MCD and as per record, the property bearing No. A-4/5 & A-4/6, Nand Nagari, Delhi-110093 is

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Not booked in the name of Umesh Kumar Gupta. Complainant further submitted that Learned Ombudsman's order in the matter of Imran Khan Vs BYPL in appeal no. 49/2023 in which Ombudsman ordered that, "respondent to send another communication to MCD giving 15 days for response about the issuance of BCC and in case no response from MCD is received in given time frame, it should be presumed that MCD has nothing to say. Connection be released on completion of requisite commercial formalities as per prevalent DERC's norms for non-domestic as well as domestic connections, adhering to fire safety norms as building consists of ground+ five floors with no stilt parking."

4. Heard both the parties and perused the record.
5. From the narration of facts and material placed before us we find that the complainant applied for new electricity connections at premises no. A-4/5-6, GF, FF, SF, TF, Nand Nagri, Delhi-110093, which was rejected by OP on the grounds that the said premises are booked by MCD under Section 343 and 344 of DMC Act 1957, appearing at sl. no. 16 of the MCD booking list in the name of Sh. Jagdish and in shape of Unauthorized construction at GF, FF, SF, TF and fourth floor. The complainant placed on record reply of MCD dated 17.11.2023 against his RTI application which states, "As per record property bearing no. A-4/5 and A-4/6, Nand Nagari, Delhi-110093 is not booked in the name of Sh. Umesh Kumar Gupta." This version of MCD does not prove that property is not booked, it says the property is not booked in the name of Sh. Umesh Kumar Gupta, this version does not rule out the MCD booking. The complainant should have placed on record Building Completion Certificate or NOC from MCD in support of his contention.

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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 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.

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

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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8. Therefore, we are of considered opinion that the property no. A-4/5 and A-4/6, Nand Nagri, Delhi-110093 is booked by MCD and for release of new electricity connection, the complainant has to place on record BCC or NOC from MCD.

Regarding the judgment of Hon'ble Ombudsman in the matter of Imran Vs BYPL, in this regard, both the cases are entirely different. In the matter of Imran the complainant has placed on record BCC which OP needs to verify from the MCD.

But in the present case the complainant has not placed on record any BCC or NOC from MCD which needs to be verified 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


Complaint is rejected. Respondent has rightly rejected the application of new connection of the complainant. However, if in future the complainant submits Building Completion Certificate, OP should release him new electricity connection, subject to fulfilling any other required formalities.


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) 24
MEMBER (TECH)


(P.K. SINGH)
CHAIRMAN

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