

C A No. Applied For
Complaint No. 11/2024

In the matter of:

UshaComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 02nd April, 2024
Date of Order: 08th April, 2024

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

1. This complaint has been filed by Smt. Usha, against BYPL-Mayur Vihar Phase I&II. The brief facts of the case giving rise to this grievance are that the complainant Smt. Usha, applied for new electricity connections vide request no. 8006700736, 8006702341, 8006700858, 8006701018,

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Akhawat* 8006701021, 8006701025, 8006701439 and 8006701443 at premises no.

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9/114-115, block-9, Trilok Puri, Delhi-110091 but respondent rejected her applications for new connection on the pretext of building booked by MCD.

In context to OP's rejection, the complainant stated that the objection of OP is baseless and EDMC has booked with the remark "unauthorized construction in the shape of entire structure at ground floor and first floor. Complainant also stated that however, second, third and fourth floors are not booked by MCD.

2. The respondent in reply briefly stated that the complainant is seeking multiple new electricity connections for the premises bearing address 9/114-115, SF, LS block-9, Trilok Puri, Delhi-110091 vide application numbers 8006700736, 8007022341, 8006700858, 8006701018, 8006701021, 8006701025, 800670149 and 8006701443 for domestic purpose at the different floors of the said premises.

Reply further added that upon inspection of the site premises for granting of new electricity connection, it was found that building was booked by MCD on account of unauthorized construction that too twice. Firstly the premises were booked on 01.06.2018 on account of unauthorized construction on the ground floor and second floor. Further the said premises were again booked on 05.06.2023 with reference no. EE(B)-II/Shah(S)/2023/D-425 by MCD. It was also noticed that a temporary meter bearing CA no. 350899356 already exist at site and need to be removed along with up to date payment of final bill. Also, in case the premises are booked by MCD then *prima facie* the complainant has to submit BCC or NOC from MCD. Accordingly, no new connection can be granted till the submission of NOC/Building Completion Certificate (BCC) from MCD is obtained and submitted.

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3. Counsel of 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.
4. LR of the OP submitted since the building is booked by MCD therefore, new connection is not feasible.
5. 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.

6. 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.
7. Arguments of both the parties were heard at length.
8. From the narration of facts and material placed before us we find that the complainant is seeking multiple connections under domestic category at different floors of premises no. 9/114-115, Block-9, Trilok Puri, Delhi-110091. The premises of the complainant are booked by MCD under **Section 343 and 344 of DMC Act** vide letter of Executive Engineer (Building)-II, Shahdara South Zone, MCD addressed to CEO, BSES Yamuna Power Limited reference no. EE(B)-II/Shah(S)/2023/D-425 dated 05.06.2023. The complainant's property is mentioned at sl. No. 13 of the said list. Thereafter, the complainant filed Completion Cum Occupancy Certificate. Thereafter, OP received mail from Executive Engineer (Building), Shahdara South Zone, MCD, the said mail is narrated below:-

It is brought to your kind notice that some of the Architects are issuing invalid completion-cum-occupancy certificates by violating the laid down norms through online portal. The list of invalid CCs issued is attached. The completion cum occupancy certificates mentioned in the list should be treated as invalid and same should not be considered for any purpose. However, certain clarification/verification in respect of completion certificate of property mentioned in the attached list was provided by unknown source by way of hacking the password. For any other clarification, undersigned may be sounded out on mobile no. 9717787668. It may further be noted if any clarification is provided to your good-self by undersigned via email, same may also be verified from undersigned on Mobile number cited above.

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9. Along with the said mail of Executive Engineer MCD, the list was also attached in which complainant's premises is also mentioned at sl. no. 12. Therefore, the completion certificate as submitted by the complainant should not be considered for release of new electricity connection.

10. 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.

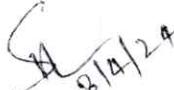
ORDER

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 is directed to release him new electricity connections.

The case is disposed off as above.

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


(P.K.SINGH)
CHAIRMAN


(S.R. KHAN)
MEMBER-TECH


(P.K.AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER

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A. Khan

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