

C A No. Applied for  
Complaint No. 299/2024

In the matter of:

Ved Prakash & Seema Batra .....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. Shanky R.S. Gupta, A.R. of the complainant along with complainant
2. Mr. Akash Swami, Mr. R.S. Bisht, Ms. Chhavi Rani & Akshat Aggarwal, on behalf of BYPL

ORDER

Date of Hearing: 03<sup>rd</sup> April, 2025

Date of Order: 08<sup>th</sup> April, 2025

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

1. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connections at premises no. Plot no. F-14, Mansarovar Park, Shahdara, Delhi-110032, vide request no. ONGTR0102240123, ONGTR0102240084, ONGTR0102240100, ONGTR0102240152 and ONGTR0102240173. The applications of the complainants were rejected by OP on the pretext of MCD booking.

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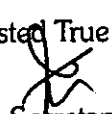
2. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking for five new domestic connections at ground, upper ground, first, second and third floors of premises bearing no. Part F-14, Block -F, Mansarovar Park, Shahdara, Delhi. The applications of the complainant for new connection were rejected as the applied premises are booked by MCD on account of unauthorized construction vide booking letter dated 05.12.2021 received by OP on 07.12.2021 vide letter no. EE(B)-II/SH-N/2021/D-816 in the name of Sh. Adil, in shape of Unauthorized construction of GF, FF, SF, TF and Fourth floor with projection on Mpl. Land (area = 50 sq yards approx).

Reply further stated that the complainant has failed to provide valid BCC/NOC from MCD department for release of new electricity connections.

Hence, violation of provisions of Electricity Act and Regulations framed in respect to DERC (Supply Code and Performance Standards) Regulations 2017.

3. The complainant rebutted the contentions of the respondent as averred in their reply and submitted that there are three portions of property bearing no. F-14, each one measuring 50 sq. yards. The OP has already released connections in the adjoining buildings with same address. OP has also released a permanent connection without removing temporary connection from site. The complainant also stated that OP has failed to prove and ascertain that DERC has any provision for not granting the new connections subject to MCD or EDMC booking/disconnection list. He further submitted that OP has released numerous connections without asking for MCD BCC or NOC

Attested True Copy the MCD booked buildings.

  
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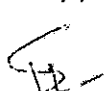
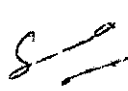


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4. As alleged by the complainant that OP has released many connections in the adjoining buildings of the same address, OP was directed to produce K.No. files of the connections installed in the adjoining buildings of the same address. OP was also directed to file site visit report and site map showing the number of premises and the connections released therein.
5. We perused the K.No. files and it is clearly evident that the connections which the complainant is claiming were released way before MCD booking. None of the connection is released after MCD booking. The site visit report shows that there are three buildings of same address two in front side and one in back side. All the three buildings are of 50 sq yards area. The back side building has five electricity connections and all the connections were released much before MCD booking. Out of two front side buildings one pertains to the complainant where no electricity connection exists and the other has one temporary connection in the name of Prashant Garg. Building structure of both the front side building is parking + four floors over it. The property documents of Prashant Garg shows that his premises address is F-14A, Mansarovar Park, whereas MCD booked premise is having address F-14, Mansarovar Park, Delhi. The complainant is owner of the applied premises since 2009.

The property documents placed on record by the complainant shows that the complainant became owner of the property in question in the year 2009 and the building structure was single storey at the time of purchase. There is no evidence placed on record either by the complainant or by OP regarding re-construction of the building and electricity connections in the applied premises before the re-construction.

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6. From the narration of facts and material placed before us we find that the complainant applied for new electricity connections which OP rejected on premises of the complainant booked by MCD vide letter no. EE(B)-II/SH-N/2021/D-816 in the name of Sh. Adil, in shape of Unauthorized construction of GF, FF, SF, TF and Fourth floor with projection on Mpl. Land (area = 50 sq yards approx).
7. 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 form and in this case 5<sup>th</sup> one is 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.

8. 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

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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.
9. Hon'ble Delhi High Court in another matter of BSES YAMUNA POWER LIMITED Vs GURVINDER KAUR & ANR. W.P. (c) 7619/2023 has laid down that "MCD is required to come to a conclusion as to whether the petitioner's property is the very same property which has been booked. The petitioner will make a representation to MCD and a NOC may be issued to petitioner in the event MCD comes to a conclusion that the property in respect of which the complainant is seeking a connection is different from property which has already been booked by it or if MCD considers it other appropriate not to object to the grant of the electricity connection in respect of petitioner's property.
10. Thus, in view of above, we are of considered opinion that the complainant failed to prove that the booked premise and his premise are different, although the complainant pleaded that his portion is different from the booked portion but has not provided any details in support of his contention.
11. Therefore, the new connections applied by the complainant cannot be granted and for release of the new electricity connection the complainant has to file Building Completion Certificate from Municipal Corporation of Delhi.

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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.

  
(H.S. SOHAL)  
MEMBER


  
(P.K. AGRAWAL)  
MEMBER (LEGAL)

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

  
P.K. SINGH  
(CHAIRMAN)

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