



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
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SECY/CHN 015/08NKS

C A No. Applied For
Complaint No. 306/2023

In the matter of:

Vijay Gogia IIComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Imran Siddiqui, Counsel of the complainant
2. Ms. Ritu Gupta & Mr. R.S. Bisht, On behalf of BYPL

ORDER

Date of Hearing: 28th November, 2023

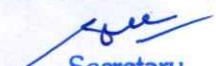
Date of Order: 11th December, 2023

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

1. The brief facts of the case giving rise to this grievance are that complainant Mr. Vijay Gogia, applied for new electricity connection vide request no. 8006354240 and 8006353358 at premises no. E-59, GF, Jawahar Park, Laxmi Nagar, Delhi-110092 but respondent rejected the applications of the complainant for new connection due to building height more than 15 meters (commercial building, ground + five floors, Building Completion Certificate/Architect certificate for height of building) and dues at site.

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2. OP in its reply briefly submitted that the complainant is seeking fresh electricity connection for ground floor and second floor of property bearing no. E-59, Jawahar Park, Delhi-110092. OP further added that at present the property consists of Ground and five floors over it. As building has effective six floors, the height of the building is more than 15 meters without stilt parking. As such no new connections can be granted till fire clearance certificate or Building Completion Certificate (BCC) in lieu thereof is submitted by the complainant. Reply further added that building is commercial building having commercial connections for Upper Ground, first and third floors as such the height of applied floor is of no consequence and the height of the building as whole is to be taken in to consideration for grant of new electricity connections.

It is also submitted that complainant is claiming ownership on basis of GPA dated 27.06.2022 executed by Mr. Sanjeev Gupta in respect of whole of property E-59, Jawahar Park, Laxmi Nagar, Delhi-110092 whereas Mr. Sanjeev Gupta took connection on the basis of sale deed executed in year 2012 by Mr. Daulat Ram in favour of Satender Kumar. The said Satender Kumar issued NOC in favour of Sanjeev Gupta as a consequence in December 2022 three new connections were released in favour of Mr. Sanjeev Gupta. Now as per GPA placed on record by complainant Mr. Sanjeev Gupta was the absolute owner of the said property in June 2022. Thus on the face of it there are discrepancies in the documents on the basis whereof the new connection is sought.

On the basis of order dated 22.12.2022 and GPA dated 27.06.2022, it is apparent that at the relevant time the building was constructed till third floor having building structure of ground, Upper Ground, first, second and third floor.

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As such in CG No. 182/2022 height was not the issue. However, as on date as building is having effective six floors as such no new connection can be granted in absence of fire certificate or Building Completion Certificate (BCC) in lieu thereof.

3. During the hearing the counsel of the complainant stated that he has applied for new electricity connections vide request no. 8006354240, 8006353358 for ground floor and second floor, which OP has rejected on ground that height of the building is more than 15 meters therefore, Building completion Certificate is required for release of new connections as it is commercial building. He also argued that in the same premises OP has released three new connections in February 2023 after orders of the Forum.

In this regard OP stated that the connections in the same building which were granted upon the orders of the Forum in CG No. 182/2022, titled as Sanjeev Gupta Vs BSES YPL. In the matter of Sanjeev Gupta, the facts were totally different as compared to this case. The building structure at that time was Ground, Upper Ground, First, Second and third floor, as such height was not the issue, the connections were granted. Now the building is constructed from Ground plus five floors over it, thus making it six floors building. Since the building is commercial building, therefore height of entire building is considered for release of new connections.

4. Therefore, we are of considered opinion that the matter of Sanjeev Gupta, is totally different with this matter. Earlier the height of the building was ground plus four floors over it but now another floor is constructed over the fourth floor alongwith a tin shed room on sixth floor and crossing the building height from 15 meters.

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ORDER

The complaint is rejected. OP has rightly rejected the applications of the complainant for new connection. For release of new electricity connections the complainant has to fulfill the objection of OP by filing Building Completion Certificate or Fire Clearance Certificate.

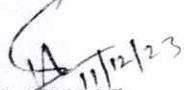
Case is dismissed as above.

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

Proceedings closed.


(H.S. SOHAL)
MEMBER


(NISHAT A ALVI)
MEMBER (CRM)


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


(P.K. SINGH)
CHAIRMAN

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