



C A No. Applied For
Complaint No. 447/2023

In the matter of:

AnitaComplainant

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)

Appearance:


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

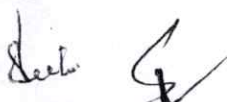
ORDER

Date of Hearing: 06th February, 2024
Date of Order: 09th February, 2024

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

1. This complaint has been filed by Smt. Anita, against BYPL-MVR I&II. The brief facts of the case giving rise to this grievance are that complainant Smt. Anita applied for new electricity connection vide request no. 8006646941, 8006646948, 8006646961 & 8006647020 at premises no. 14/460, Trilok Puri, Delhi-110091, but OP rejected his application for new connection on the pretext of premises booked by MCD for unauthorized construction in the shape of GF, FF, SF and TF.

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CGRF (BYPL)

 of 4

Complaint No. 447/2023

2. The respondent in reply briefly stated that the complainant is seeking release of new electricity connection for various floors at property bearing no. 14/460, Trilok Puri, Delhi-110091 vide application no. 8006646941, 8006646948, 8006646961 and 8006647020.

OP raised objection that the present complaint is only maintainable in respect of electricity connections applied in the name of the complainant as it is the complainant who has signed authority letter/the complaint.

The applications of the complainant were rejected on the ground of MCD objection and existence of temporary meter having no. 55357043 at site. Further, in respect of the MCD list, the subject premises are mentioned at serial no. 27 of the list bearing no. EE(B)-II/Sh(s)/2021/D-3523 dated 14.09.2021. According to the said list, unauthorized construction is in the shape of the ground, first, second and third floors. It was also found that the concern authority has taken demolition action by puncturing the brick wall and projection on ground floor.

Therefore, for grant of new electricity connection, the complainant is required to produce a Building Completion Certificate (BCC) or NOC in lieu thereof and further remove the existing electricity connection.

3. Counsel of the complainant refuted the contentions of the respondent as averred in their reply. He also denied that no puncturing or demolition is upon the premises in question and to this effect; the respondent has not filed any evidence of puncturing the brick wall and projection on ground floor. He also stated that MCD has issued list of 54 properties which are booked for unauthorized construction and disconnection of electricity connection thereof, OP should clarify in how many properties they have disconnected the connection.

4. LR of the OP stated that for release of new electricity connections the

complainant has to submit Building Completion Certificate from MCD.

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[Signature] 2 of 4

Complaint No. 447/2023

5. From the narration of facts and material placed before us we are of the considered opinion that the complainant applied for new electricity connections vide request no. 8006646941, 8006646948, 8006646961 and 8006647020 at separate floors of premises no. 14/460, Trilok Puri, Delhi-110091, which OP rejected on account of MCD objection.

From the perusal of the MCD objection list no. EE(B)-II/Sh(s)/2021/D-3523 dated 14.09.2021, it is clear that it's the premise of the complainant which is booked by MCD, therefore, for release of new electricity connection, the complainant has to file Building Completion Certificate (BCC) from MCD.

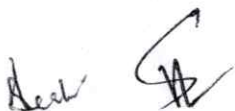
Also, The Supreme Court of India in the matter WP(C) 4677/1985 (M C Mehta Vs UOI) vide order dated 24.04.2018, expressed its concern on constructions in unauthorized colonies, and directed that construction activity be stopped with immediate effect. Concerned authorities were directed to ensure compliance and a task force was constituted for removal of encroachment and unauthorized construction and implementation of bye-laws.

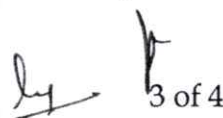
The Supreme Court in the matter "Supertech Vs emerald Court Owners Resident Welfare Association (2021) 10 SCC I observed that unauthorized construction destroys the concept of planned development and places unbearable burden on basic amenities provided by local authorities. It was imperative for the public authorities to not only demolish such construction but also to impose a penalty on wrong doers involved.

6. Therefore, OP has rightly rejected the applications of the complainant of new connections.

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
 3 of 4


Complaint No. 447/2023


ORDER

Complaint is rejected. Respondent has rightly rejected the applications of the complainant for new connections.

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)
MEMBER (TECH.)


(P.K. SINGH)
CHAIRMAN

4 of 4

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