



C A No. Applied for
Complaint No. 313/2023

In the matter of:

Mohd KashifComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmed 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. Imran Siddqui, Counsel of the complainant
2. Ms. Ritu Gupta & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

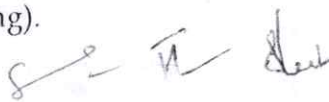
Date of Hearing: 02nd January, 2024
Date of Order: 10th January, 2024

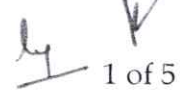
Order Pronounced By:- Mr. P.K. Agrawal, Member (Legal)

1. This complaint has been filed by Mohd Kashif against BYPL-DRG. The brief facts of the case giving rise to this grievance are that Mohd Kashif applied for new electricity connections vide request no. 8006437103, 8006437106, 8006437129, 8006437125, 8006437121, 8006437118, 8006437143, 8006437155, 8006437147 and 8006437165 at premises no. 319, Kucha Mir Ashiq, Chawri Bazar, Delhi-110002, but respondent rejected his applications for new connections on pretext of fire safety clearance (G+MZ+5 NX building).

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BYPL




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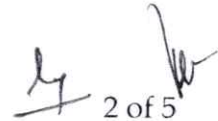
2. OP in its reply briefly stated that the complainant is seeking ten fresh electricity connections in respect of first, third, fourth and fifth floors of property bearing no. 319, R/S Kucha Mir Ashiq, Chawri Bazar, Delhi-110002. Upon inspection it was found that the property structure consists of Ground+MZ+five floor over it. The entire building was found to be commercial building, thus as commercial building has effective seven floors, and height of the building is more than 15 meters. As such no new connections can be granted till the fire certificate or Building Completion Certificate (BCC) in lieu thereof are submitted by the applicant.

OP further added that as building is a commercial building as such height of applied floor is of no consequence and the height of the building as whole is to be taken into consideration for grant of new connections. As on date, the building is having effective seven floors as such no new connection can be granted in the absence of fire certificate or Building Completion Certificate (BCC).

Reply further added that apart from the building height issue, energy dues of connections bearing CA No. 400032467 and 151500056 also pertain to the subject premises.

3. Counsel of the complainant submitted BCC issued by MCD and its sanctioned plan. OP sought to verify the same.

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4. OP filed additional written submissions, stating therein that the complainant is seeking ten fresh electricity connections in respect of first, third, fourth and fifth floors of property bearing no. 319, R/S Kucha Mir Ashiq, Chawri Bazar, Delhi-110092. Upon inspection it was found that the property structure consists of Ground+MZ+five floors over it. The entire building was found to be commercial building. Thus as commercial building has effective seven floors; the height of the building is more than 15 meters. As such no new connections can be granted till the fire certificate or Building Completion Certificate (BCC) in lieu thereof is submitted by the applicant.



Building Completion Certificate prepared by an Architect Nupur Verma bearing Registration no. CA/2018/104118 which is shown as active on the portal of MCD was placed on record. As per MCD portal the date of birth of the architect is 07.01.1991 having address of Greater Noida. Besides the same there is another information available on MCD portal in respect of same architect Nupur Verma with registration number CA/2018/04118 which is shown as disable w.e.f. 02.02.2022. According to this registration number date of birth of said architect is 10.01.1995 having address of Haryana. All the other information i.e. mobile number and e-mail ID are same. Even the photographs on both are same.

Thus on the fact of it it's a case of fraud and forgery and as such no reliance should be placed on the Building Completion certificate (BCC) submitted by complainant till verification and clarification is received from MCD regarding two registration numbers in respect of same person. As building is commercial building as such the height of applied floor is of no consequence and the height of the building as whole is to be taken into consideration for grant of new connections.

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5. Perused the record and heard both the parties at length.
6. The main issue in the present case is whether the new connection can be released to the complainant or not if i) the height of the building is more than 15 meters and ii) there are outstanding dues of theft bills.
7. We have gone through the submissions made by both the parties. From the narration of facts and material placed before us we are of considered opinion that the complainant applied for ten new electricity connections at premises no. 319, Kucha Mir Ashiq, Chawari Bazar, Delhi-110002. Against the objections of OP regarding the height of the building, the counsel of the complainant submitted Building completion Certificate from MCD, which OP rejected on the pretext that the certificate has been issued by barred Architect.

Regarding the other objection of OP, the pending enforcement dues, the address of the complainant and that of direct theft bills are totally different. Also, the dues are very old of year 2004. The complainant also submitted google map showing where his address falls and that of the direct theft bill address is.

8. In view of the above, we are of considered opinion that the Building Completion Certificate submitted by the complainant is issued by MCD. Regarding the authenticity of the Architect, same is a matter of decision of MCD and Forum has nothing to do with this. Therefore, the BCC submitted by the complainant should be considered for release of new electricity connections to the complainant. But if in future, MCD raises any objection on the BCC issued, OP is free to take necessary action for disconnection of electricity connections.

The pending enforcement dues are of the year 2004. OP has released many new connections in the applied building after the year 2004. Moreover, the address on the bills of the complainant and that of theft bill are different. Therefore, this objection of OP is also not sustainable.

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9. Therefore, the new connections cannot be denied to the complainant on account of above two objections of OP. Thus, OP is directed to release the new connections to the complainant.
10. In view of the above, we are of considered opinion, that the objections of OP for release of new connection have been duly fulfilled by the complainant. Also, water and electricity are integral part of right to life. Hon'ble Supreme Court in the matter of Dilip (Dead) LR vs Satish, in case no. SCC online SC810 dated 13.05.2022 has held that electricity is basic amenity which a person cannot be deprived off. Even on the principle of law there should be equity before law and equal protection of law in the spirit of constitution.

ORDER


Complaint is allowed. Respondent is directed to release the connection applied by complainant after completion of all the commercial formalities as per DERC Regulations 2017 and also submission of undertaking by the complainant that if in near future MCD takes any action on the subjected property, OP is free to disconnect the electricity supply.


The OP is also directed to file compliance report to this office within 21 days from the issue of this order.

The case is disposed off as above.

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


(S.R. KHAN)
MEMBER-TECH


(P.K. SINGH)
CHAIRMAN


(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM

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CGRF (BYPL)


(H.S. SOHAL)
MEMBER