



C A No. Applied for
Complaint No. 197/2023

In the matter of:

Rehana ParveenComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. Nishat Ahmed Alvi, Member (CRM)
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. S.R. Khan, Member (Technical)
4. MR. H.S. Sohal, Member

Appearance:

1. Mr. Nishikant Ray, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Ms. Shweta Bist & Ms. Chavi Rani, On behalf of BYPL

ORDER

Date of Hearing: 06th July, 2023

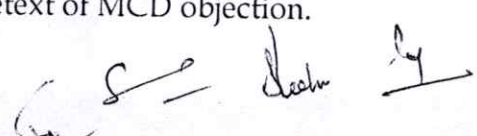
Date of Order: 11th July, 2023

Attested True Copy


Secretary
CGRF (BYPL)

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

1. This complaint has been filed by Ms. Rehana Parveen against BYPL-PHG.
2. The brief facts of the case giving rise to this grievance are that Ms. Rehana Parveen, applied for new electricity connection vide request no. 8006220179 at premises no. 1261, FF, Faiz Ganj, Bahadurgarh Road, Near Bahadurgarh, Delhi-110006 but respondent rejected his applications for new connection on the pretext of MCD objection.

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3. OP in its reply briefly stated that the complainant is seeking new electricity connection on second floor at property bearing no. 1261, Faiz Ganj, Bahadurgarh Road, Delhi-110006. The complainant applied for new electricity connections vide application no. 8006220179 for domestic purpose. The application of the complainant was rejected vide deficiency letter dated 28.03.2023 primarily on the ground of property being booked by MCD. The applied address was found in MCD objection list vide letter no. D/736/SE/CSPZ/2018 dated 18.11.2018. The subjected property is at sl. no. 187, as per the objection list circulated by MCD unauthorized construction is 'in shape of ground floor, first floor, second floor, third floor and fourth floor along with projection of MPL land.

OP further added that building consists of ground floor plus mezzanine plus four floors over it. The property is having address 1257-1261 is a joint property. The details of existing connections are as under:-

S.No.	CA No.	Meter No.	Floor	Category	Date of energization
1	100378853	35073123	No floor	DX	01.01.1990
2	153116828	35613967	SF	DX	18.08.2020
3	153105982	35612158	3F	DX	05.08.2020
4	153997323	70031301	FF	DX	17.04.2008
5	100512569	70031300	SF	DX	23.06.2008
6	100396664	35196896	FF	DX	01.01.1990
7	100378853	35073123	No Floor	DX	01.01.1990
8	100387674	70176402	GF	NX	23.08.1979
9	100378786	70239118	No floor	NX	01.01.1974
10	153003718	35643062	No Floor	NX	01.01.1990

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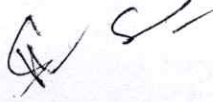


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The complainant is seeking connection on fourth floor which is effective sixth floor as such fire safety certificate from approved authority is required or in lieu thereof building completion certificate (BCC).

4. Representative of the complainant rebutted the contentions of the respondent as averred in their reply and submitted that OP rejected his application for new connection on 23.02.2023 with reason of 'fire safety clearance required for building height 15 meter or having ground plus four floors including mezzanine floor(business building). It is also his submission that he served legal notice to OP and in reply to legal notice on 29.03.2023, OP stated, 'as the applied address is in MCD. He argued that OP cannot raise two different objections at different interval of time. Also, as per DERC Regulations OP shall indicate all the deficiencies in one go only and should not raise any new deficiency subsequently.
5. LR of the OP submitted that premises of the complainant have been booked by MCD and for release of new electricity connection the complainant has to file BCC or NOC from MCD department.
6. Heard both the parties and perused the record. From the perusal of evidence placed on record pleadings and after hearing both the parties it is transpired that complainant asked for new connection at property no. 1261, Faiz Ganj, Bahadurgarh Road, Delhi-110006, but respondent raised objection that the said property, is booked by MCD vide order no. D-736/SE/CSPZ/2018 dated 18.11.2018. This Forum is of the view that there is unauthorized construction on the address of the complainant as reported by MCD which has not been removed by the complainant. Completion cum occupancy certificate should be presented by the complainant for release of new connection.

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7. The complainant has emphasized on the fundamental rights for claiming electricity connection. However, 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
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.
8. In this regard, Hon'ble Delhi High Court in the case of W.P. (c) 2453/2019 has held "However, merely because some of the occupants of the building have wrongly been given an electricity connection, it cannot be ground for the court to direct respondents' no. 2 and 3 to further compound the wrong act and direct granting of a new electricity connection to the premises of the petition which is located in the building whose height is more than 15 meters."

ORDER

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The complaint is rejected. The Respondent has rightly rejected the application of the complainant for new connection.

The case is disposed off as above. No order as to the cost. Both the parties should be informed accordingly. Proceedings closed.


(H.S. SOHAL)
MEMBER


(NISHATA A. ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


(S.R. KHAN)
MEMBER (TECH)