

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

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SECY/CHN 015/08NKS

C A No. Applied for
Complaint No. 135/2022

In the matter of:

Savitri DeviComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmed Alvi, Member (CRM)
3. Mr. S.R. Khan, Member (Technical)
4. Mr. P.K. Agrawal, Member (Legal)
5. Mr. Vijay Singh, Member

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Mr. Imran Siddiqi, Ms. Shweta Chaudhary & Mr. Shubham Singh, On behalf of BYPL

ORDER

Date of Hearing: 01st November, 2022

Date of Order: 04th November, 2022

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

1. This complaint has been filed by Ms. Savitri Devi against BYPL-KWN.
2. The brief facts of the case giving rise to this grievance are that complainant Savitri Devi applied for new electricity connection at premises no. A-582, FF, Kh. No. 294, 295, 296 & 297, Gali no. 13 & 17,

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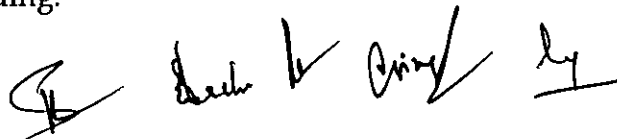
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Phase-II, Pusta-I, Sonia Vihar, Delhi-110094 vide application no. 8005520220 but the respondent rejected her application for new connection on pretext that Address is in MCD objection list.

3. The respondent in reply briefly stated that Savitri Devi applied for new electricity connection for domestic purpose vide application no. 8005520220 at A-582, FF, Kh. No. 294, 295, 296 & 297 Gali No. 13 & 17, Part-2, Pusta-I, Sonia Vihar, Delhi-110094. The complainant's request for new connection was rejected due to address of the premises for which new connection is applied appearing in MCD objection list as per letter no. 84/B-II/UC/SH-N/2021 dated 29.07.2021 indicating booking for unauthorized connection in the shape of FF (GF old and occupied) without SBP with projection on Mpl. Land (area=350 sq yards).

OP further submitted that that during site verification of applied premises, it was found that address for which the new electricity connection applied is appearing in the objection list of EDMC; therefore, Occupancy cum Completion Certificate is required.

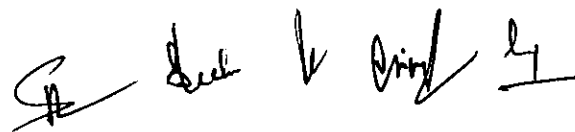
4. Heard both the parties and perused the record.
5. The issue in this matter is mainly whether the connection vide application no. 8005520220 can be released, when the premises are booked by Municipal Corporation.
6. Heard the arguments of Authorized Representative of the complainant and OP-BYPL. Representative of the complainant has submitted that his premise are old constructed and they have done no new construction on the said building.



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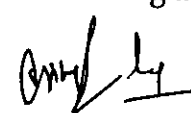
Representative of the complainant further submits that the complainant got the possession of the said property on 04.02.2022 through General Power of Attorney and Sale deed in her favour.

7. In this record, LR of OP submitted that they have received a list under section 343 and 345 of DMC Act-1957 - against unauthorized construction dated 23.08.2021 from office Executive Engineer (Bldg.)-II, Shahdara (North) Zone of East Delhi Municipal Corporation and complainant's premise is listed at sl. No. 28 of the said list, therefore, they rejected the application of new connection of the complainant.
8. On a perusal of records, it is seen that an electrical bill dated 19.01.2022 was issued in the name of Sh. Kripal Singh with the same address (as of the complainant) having a sanctioned load of 6 KW. According to the GPA, will etc. submitted by the complainant, the said property was transferred by Sh. Kripal Singh to Smt. Savitri Devi w/o Sh. Kripal Singh on 26.02.2022 for a cash payment of Rs. 10 lakh only. It appears that this route of transfer was adopted because EDMC had booked the said property for unauthorized construction in the shape of first floor without SBP vide File no. 84/B-II/UC/SH-N/2021 dated 29.07.2021 as communicated to CEO/BYPL vide letter no. EE (B)-II/SH-N/2021/D-617 dated 23.08.2021.
9. The complainant has requested for new connection on FF, which is booked by EDMC. The complainant is claiming that the premises are not booked by EDMC, which is not factually correct.



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10. This CGRF has been consistently following the orders dated 20.12.2017 of Hon'ble Delhi High Court issued in W.P. (c) 11236/2017 titled Parivartan Foundation Vs. SDMC & Ors. Hon'ble High Court has ordered that - "the BSES Rajdhani Pvt. Ltd. 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". The electricity Ombudsman also followed these orders in appeal no. 26/2021 in the matter of Sh. Bhagwan Dass Vs. BSES Rajdhani Power Ltd. And refused to grant connection for unauthorized construction booked by SDMC.
11. It is clear from pleadings of the parties that first floor has been constructed by the owner/occupier without any sanctioned building plan from EDMC and EDMC has accordingly booked the construction.
12. Though certain documents like agreement to sell, GPA etc have been filed on record by the complainant to show her possession of the property, however the complainant has failed to file on record any documents to show that the building has been constructed after obtaining sanctioned plan from EDMC or to show that building has been regularized or the EDMC booking has been cancelled. Thus, the complaint is not maintainable as the prayer has been made against provisions of law.
13. Hon'ble Supreme Court of India in case titled "S.P. Chengalvaraya Naidu Vs. Jagannath", 1994 AIR 853 has held in para no. 5 that - "...the courts of law are meant for imparting justice between the parties. One who comes to the court, must come with clean hands. We are constrained to say that more often than not, process of court is being abused.

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Property grabbers, tax evaders, bank loan dodgers and other unscrupulous persons from all walks of life find the court process a convenient ^{lever} to retain the illegal gains indefinitely. We have no hesitation to say that a person, whose case is based on falsehood, has no right to approach the court. He can be summarily thrown out at any stage of litigation."

14. In view of the above stated discussion, it is clear that the complainant has not come to this CGRF with clean hands and she has failed to give any reason which entitles her to get her request for new electric connection complied by BYPL.

ORDER:-


Complaint is rejected. Respondent has rightly rejected the application of new connection of the complainant.

The case is disposed off as above.

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



(S.R. KHAN)
MEMBER-TECH


(P.K. SINGH)
CHAIRMAN
(P.K. AGRAWAL)
MEMBER-LEGAL
(NISHAT AHMAD ALVI)
MEMBER-CRM
(VIJAY SINGH)
MEMBER