



C A No. Applied For
Complaint No. 138/2023

In the matter of:

Surender Arora & Manjeet AroraComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Shanky R.S. Gupta, A.R. of the complainant
2. Ms. Ritu Gupta, Ms. Shweta Chaudhary & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 18th April, 2023

Date of Order: 19th April, 2023

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

1. Present complaint has been filed by Mr. Surender Arora & Ms. Manjit Arora, against BYPL-GTR.
2. The brief facts of the case giving rise to this grievance are that complainant Mr. Surender Arora & Ms. Manjit Arora applied for new electricity connection vide request no. 8006116867, 8006116924, 8006116805 and 8006116887 at premises

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No. 1/7400, street - 3, Shivaji Park, Shahdara, Delhi-110032, but respondent rejected their applications for new connection on pretext of MCD objection and Completion certificate required, removal of existing meter required.

3. OP in its reply submitted that the complainant is seeking fresh electricity connection for various floors of property bearing no. 1/7400, old no. 36, Kh. No. 2394/912/260, Shivaji Park, Shahdara, Delhi. The complainant was issued deficiency letter for the reason as applied address was found in MCD objection list vide letter no. EE(B)-II/SH-N/2018/D-815 dated 03.07.2018. The subject property is mentioned at serial no. 27 as per the objection list circulated by MCD unauthorized construction against SBP vide ID No. 10046913 at stilt and onward.

OP further added that BCC submitted by the complainant, the same cannot be relied upon as the same is issued by zone central whereas the subject property pertains to zone Shahdara North. As per communication received from MCD dated 31.01.2022 central zone BCCs are not to be considered for releasing new connections.

4. Heard both the parties and perused the record.
5. The complainant referred to the acknowledgement/receipt under Saral Scheme Request ID No. 10046913 dated 26.02.2018 issued by EDMC Building department Shahadara north Zone. This document has been placed at CG-5 along with the complaint to show that building plan was submitted to EDMC. In continuation the complainant referred to Form D-I (completion cum occupancy certificate) issued by EDMC vide file no. 100946697 dated 25.11.2021 which has been placed at CG -6 along with the complaint. Accordingly, the complainant's contentions that there is no objection against its building and electricity connection should be

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released.
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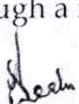
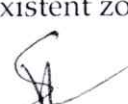

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6. On further analysis of the evidence, it has been found that Request ID No. 10046913 of the complainant as given in CG-5 is further clarified by CG -12 enclosed with the complaint. According to this document request ID no. 10046913 relates to Shahdara North of MCD and indicates the status request "Plan released". Similarly, completion Cum Occupancy Certificate at CG-6 is clarified by CG-12 enclosed with the complaint which reveals that Completion Certificate has been issued vide Request ID no. 10094697 and has been issued by Central Zone of MCD. Thus, it can be seen that vide acknowledgement/receipt vide Request ID no. 10046913 was issued by Shahdara North Zone of EDMC. There is no contradiction regarding this in CG-5 and CG-11. However, completion cum occupancy certificate at CG-6 issued by Executive Engineer (east zone) is contradictory to the document at CG-12 which shows that completion certificate vide request ID no. 10094697 was issued by Central Zone of EDMC. Both East Zone and Central Zone do not exist under EDMC, as Executive Engineer Building of EDMC clarified in his e-mail dated 29.01.2022 addressed to BSES (OP) that EDMC has two zones viz. i) Shahdara South, ii) Shahdara North.
7. Though complainant had submitted his building plan to EDMC on 26.02.2018, EDMC had found unauthorized construction at the complainant's address against its building plan vide EE Building Shahdara North letter no. EE(B)-II/SH-N/2018/D-815 dated 03.07.2018 addressed to CEO BYPL Karkardooma, Shahdara. It appears that in order to avoid demolition of unauthorized construction and to bypass the MCD laws, the complainant obtained a completion cum occupancy certificate dated 25.11.2021 through a non-existent zone.

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8. It is also important to note that in appeal no 05/2023, the Electricity Ombudsman while dealing with the matter of Ms. Lalita Vs BSES YPL was informed that respondent has been informed by the MCD that any online Certificate appearing as issued by the central zone should be treated as non-existence, since there was no central zone in existence. Mr. Shanky R.S. Gupta, the A.R. of the complainant in the present case, who appeared before the Electricity Ombudsman in appeal no. 05/2023 did not raise any objection to this averment of the respondent. Accordingly, the Electricity Ombudsman recorded this fact in its order dated 13.04.2023.
9. 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 presented by the complainant is in violation of MCD laws and bye laws, and hence cannot be accepted.
10. 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.

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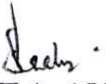
11. In view of the fact that the complainant has failed to produce the genuine/correct Completion Cum Occupancy Certificate issued by MCD North Zone and, especially in view of the directions of the Hon'ble High Court in Parivartan Foundation case, the Forum is of the view that OP has rightly rejected the electricity connection to the complainant.


ORDER


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.


(NISHAT A. ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN

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