

CA No. Applied For
Complaint No. 69/2020

In the matter of:

Sandeep TyagiComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. Arun P Singh (Chairman)
2. Mrs. Vinay Singh, Member (Legal)
3. Dr. Harshali Kaur, Member (CRM)

Appearance:

1. Mr. Pooran Chand, Authorized Representative of the complainant
2. Mr. Imran Siddiqui, On behalf of BYPL

ORDER

Date of Hearing: 08th January, 2021

Date of Order: 11th January, 2021

Order Pronounced by:- Mrs. Vinay Singh, Member (Legal)

Briefly stated facts of the case are that the complainant applied for four new electricity connections about six months ago but the respondent did not release the connections till date.

The complainant submitted that he applied for four new connections vide application no. 8004429978, 8004429979, 8004429980 and 8004429981 respectively, but the respondent rejected his application for new connections on the pretext that the property is booked by EDMC under unauthorized construction category.

Harshali

Vinay

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He further submitted that he filed RTI no. EDLMC/R/2020/60172/3 dated 07.07.2020, EDMC in its reply made it clear that there is no record associated with property bearing no. S-562/1A, whereas property bearing no. S-562, is clearly stated as booked with name list under the Unauthorized construction category list. Therefore, he requested the Forum to direct the respondent for immediate release of the connections.

Notice was issued to both the parties to appear before the Forum on 23.11.2020.

The respondent submitted their reply stating therein that the complainant applied for new electricity connections vide request no. 8004429978, 8004429979, 8004429980 and 8004429981 at S-562/1A, School Block, Shakarpur, Delhi-92. It was found that property no. S-562, School Block, Shakarpur is booked for unauthorized construction by EDMC. Therefore, a letter was sent to EDMC on 09.06.2020 and 29.07.2020 to clarify the same. Thereafter, in reference to letter dated 29.07.2020, a letter was received from EDMC, Ex. Engineer (building-I) Shahdara, South Zone on 16.09.2020 vide letter no. EE(B)-IISH(S)/2020-21/D-531 stating therein that property in issue is constructed unauthorized and accordingly the new electric connection cannot be release. As per the said letter of confirmation not only S-562/1 but also S-562/2 or S-562 (part) and so on are constructed unauthorizedly.

Respondent also stated that as per the directions of the Forum the complainant was directed to produce NOC from the EDMC, but the complainant filed RTI reply, wherein it is clearly stated that all the properties constructed at plot no./Khasra No. S-562, School Block, Shakarpur, Delhi, without sanctioned building plan is unauthorized.

The matter was heard on 23.11.2020, when both the parties were present and complainant was directed to file NOC from EDMC.

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The matter was again heard on 08.12.2020, when complainant sought time to file NOC and respondent is directed to appoint some Nodal Officer to verify the NOC filed by the complainant.

On hearing dated 22.12.2020, the complainant submitted some letters issued by EDMC; respondent was directed to file a report.

Online RTI No. ELDMC/R/2020/60172/3 dated 07.07.2020 registered on 16.07.2020. by Sh. Sandeep Tyagi, regarding Plot No. S-562/1-A, School Block, Shakarpur, Delhi-110092. It was mentioned in the letter dated 17.07.2020 as per available computerized record unauthorized construction booking against Sh. Sandeep Tyagi, property no. S-562/1-A, School Block, Shakarpur, Delhi-92, is not available in the record.

Letter of EDMC vide no. EE(B)-II/SH(S)/2020-21/D-531 dated 16.09.2020 which is in reference to letter no. BM (O)/LNR/70 dated 29.07.2020 narrated as under:-

It is to inform that different sub-division of property bearing no. S-562, School Block, Shakarpur, Delhi-110092, has been constructed unauthorized without sanctioned building plan. Moreover, the property bearing no S-562 was booked for unauthorized construction as mentioned below:-

1. 56/B/UC/SS/09 dated 26.03.2009
2. 58/B/UC/SS/11 dated 22.09.2011
3. 59/B/UC/SS/11 dated 22.09.2011
4. 211/B/UC/SS/19 dated 04.04.2019
5. 215/B/UC/SS/19 dated 08.04.2019.

All the sub-divisions in the name and style S-562/1 or S-562/2 or S-562 (part) and so on were constructed unauthorized without getting building plan sanction. Accordingly, power connection/electric connection cannot be installed/provided in such sub-divided plots as stated above.

Reply/information of RTI filed on 16.10.2020 vide no. EDLMC/R/2020/60457 dated 23.09.2020.

Shankar

Kumar

The complainant also filed online RTI vide request no. EDLMC/R/2020/60458 and the EDMC vide their order no. SE-II/Shd.(S)Zone/2020/D-64 dated 27.11.2020, disposed off appeal of the complainant. During the hearing Sh. Sushil Kumar Tyagi ASO on behalf of PIO Sh. S.D. Tomar EE(B)-II was present and the information provided by the PIO was not found satisfactory.

The issue in the present case is whether the connections to the complainant can be granted or not.

We have gone through the submissions made by both the parties. From the narration of facts and material placed before us we observe as under:-


The complainant filed RTI on 07.07.2020, and the EDMC filed their reply that the record of Sh. Sandeep Tyagi is not available. After that respondent received one letter from EDMC dated 16.09.2020, in which it was clearly stated that "all the sub-division(s) in the name and style of S-562/1 or S-562/2 or S-562 (Part) and so on were constructed unauthorized without getting Building Plan Sanction. Accordingly, power connection/electric connection cannot be installed/provided in such sub-divided plots as stated above."


Reply dated 27.11.2020 against RTI filed by complainant dated 16.10.2020 was also not found satisfactory.

After going through all the material aspects of the case we are of the considered opinion, that whenever the complainant files the NOC before the respondent, the respondent is directed to release the connection after verification of NOC, through Nodal Officer appointed as per Forum's direction dated 02.12.2020.

The case is disposed off as above.


(HARSHALI KAUR)
MEMBER (CRM)


(VINAY SINGH)
MEMBER (LAW)


(ARUN P SINGH)
CHAIRMAN