

C A No. Applied For
Complaint No. 47/2020

In the matter of:

Savita Chauhan.....Complainant

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. Manoj Banka, A.R of the complainant
2. Mr. Imran Siddiqi, on behalf of BYPL

ORDER

Date of Hearing: 19th October, 2020

Date of Order: 10th November, 2020

Order Pronounced by:-Dr. Harshali Kaur, Member (CRM)

Briefly stated facts of the complaint are that the complainant allegedly owner of Property No. D-356, Gali No.13, Laxmi Nagar, Delhi-92 has filed the present complaint against the Respondent alleging that they rejected his applications for electricity connections in the building at his property. The complainant has annexed the gift deed for said property dated 02.08.2018 as (Annexure-A). The complainant has mentioned in her complaint that there were 2 connections CA No.15200681 and 100962650 installed in the above mentioned premises which were removed on 13.08.2018 due to construction in the said premises.

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The complainant has annexed the bills of the previous meters as (Annexure-B). She further states that the building is utilizing electricity through a temporary connection which was installed at the complainant's above mentioned address. (Annexure-C) is the bill of said temporary connection.

Further, the complainant alleges that the building is constructed with stilt parking, G/F, F/F, S/F, T/F, and F/F on left and right side and the building's height is within permissible limits hence rejection of her electricity connection on the basis of height by the Respondent is illegal.

The complainant also states that as per Umesh Chand Sharma Vs. BSES Rajdhani Power Limited and Anr. (MCD) No.91/2015 and CM Nos. 4208-09/15, the Hon'ble High Court of Delhi observed as under:

'It has been repeatedly observed by the Supreme Court as well as by this court that electricity is an essential requirement without which any person in occupation cannot enjoy the property'

Hence the complainant prayed for directions to the Respondent company to issue new electricity connections to the complainant at her premises No.D-356, Gali No.13, Laxmi Nagar, New Delhi-92 and pass any other order as the Forum may deem appropriate.

According to the complainant, she applied for 9 new electricity connections on 04.02.2020 vide application Nos. 8004349297, 8004351029, 8004349826, 8004350121, 8004351031, 8004349297, 8004349299, 8004349305, 8004349310. However, the respondent company rejected all the applications stating that the address of the property is mentioned in the MCD objection list. The complainant has annexed the acknowledgement slip and rejection letter dated 12.02.2020 as Annexure-D.

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The respondent also asked for building compliance certificate and that the building height was more than 15 meter as stated in their rejection letter. The complainant further states that to resolve the issue the complainant visited the Division Office Laxmi Nagar, Radhu Palace, Delhi regarding release of new electricity connections and requested the AM to supply her the copy of MCD Notice vide which the premises allegedly was booked, but the officers at the Respondent office did not pay any heed to the complainant's requests.

Notice was issued to the Respondent who appeared on the date fixed i.e. 18.09.2020 and filed the reply along with supporting documents. The Respondent in their Reply stated that the respondent company cannot process the complainants request for new electricity connections due to requirement of removal of existing temporary connection in the name of Lokender Singh Chauhan that was installed on 27.9.2018. Further, there is also an EDMC objection of the addressed property in the name of the owner/ builder and occupancy cum completion certificate has also not been provided to support that the construction is not unauthorized. The respondent company allege that the height of the complainants building is 17.90 m which is more than the permissible height in a building. The respondent has also annexed the site visit report, the MCD objection list, the rejection letter and photographs of the complainants building in question with the reply. Copy of the reply was supplied to the complainant.

On the date of filling the reply, the Forum directed the Respondent to provide the EDMC letter to support their rejection of the complainant's electricity connections. The Forum also directed both the parties to conduct a joint inspection on a mutually agreed date and file the report of the joint inspection duly signed by both the parties along with video records on the next date of hearing. Complying with the directions of the Forum, the Respondent filed the report of the joint inspection on 28.09.2020.

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The respondent stated that the complainant refused to sign the report. The Forum then directed the AR of the complainant, one Sh. Manoj Banker who appeared on behalf of the complainant on the day to file an affidavit clarifying that the building is not booked by EDMC and height is as per building bye laws. The respondent was also asked to file the information of the property of the complainant was booked by EDMC as well.

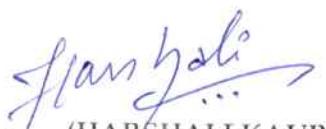
On the next date of hearing i.e, 13.10.2020, the complainant filed an affidavit on record, wherein she stated that the property in question was duly constructed with stilt parking, GF, FF, SF, TF and two small store rooms at third floor terrace and the building's height is within limit i.e, 17.50 m. Further, she had not received any notice from EDMC against her property till date. She had not refused to sign the joint inspection report. She prayed for the old meter to be restored or new connections to be released at her premises. She states that her building height was 15 meter and NOC from Delhi Fire Department and filed a copy of the RTI.

The respondent also filed an EDMC list which reflects that the property is booked by EDMC from GF to Third Floor. The same was supplied to the complainant. The complainant however, sought one weeks time to cross check the same.

The Forum allowed the complainant's prayer for adjournment in the interest of justice as a last opportunity on 19.10.2020. The AR of the complainant Mr. Manoj Bankar was present and filed a withdrawal letter dated 16.10.2020. In the said letter the complainant states that the complainant has filed an application under the RTI Act, 2005 on 15.10.2020 seeking information from East Delhi Municipal Corporation for justification and facts of the said booking and since it will take 30 days time to provide the details of the premises the complainant wished to withdraw her complaint with liberty to file a fresh complaint.

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Under the circumstances, the withdrawal letter is accepted with liberty to file a fresh complaint if required. Case is therefore, dismissed as withdrawn. File will be consigned to Record Room. Order copies be sent to both parties.



(HARSHALI KAUR)
MEMBER(CRM)



(VINAY SINGH)
MEMBER(LEGAL)



(ARUN P. SINGH)
CHAIRMAN