



C A No. Applied For
Complaint No. 264/2024

In the matter of:

Abdul WasiComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Nishkant Ray, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht & Ms. Chhavi Rani, on behalf of respondent.

ORDER

Date of Hearing: 18th July, 2024

Date of Order: 24th July, 2024

Order Pronounced By:- Mr. P.K. Singh, Member (Chairman)

1. The complaint has been filed by Abdul Wasi against BYPL-Darya Ganj. The brief facts of the case giving rise to this grievance are that the complainant applied for new connection vide request no. 8006776937 and 8006776943 at premises no. 3910, GF, Pvt. Shop no. G-12, Gali Jagat Cinema, Urdu Bazar, Jama Masjid, Delhi-110006 but respondent rejected the application of the complainant for want of building completion

Attested True Copy

Secretary
 CGRF (BYPL)

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Certificate/architect certificate for height of building, premises appearing in MCD's objection list thus, MCD's NOC or Completion cum occupancy certificate, enforcement and energy dues pending.

2. OP in its reply briefly stated that the complainant is seeking fresh electricity connections for two non-domestic purposes vide request no 8006776937 and 8006776943 for the premises bearing no. G-12 and G-13 situated at the ground floor of property bearing no. 3910, Gali Jagat Cinema, Urdu Bazaar, Jama Masjid, Delhi. Upon inspection it was found that multiple buildings exist with address as that of applied premises. The building structure wherein applied shops exist consists of Ground plus four floors over it. Four domestic units exist on all the floors above the ground floor. Approximately 13 commercial units exist on the ground floor. As the building structure is G+4, therefore, in all likelihood the total building height may be more than 15 meters. Also, during site inspection two meters were found having address of fifth floor, whereas there is no fifth floor in the applied building.

Further while checking commercial and technical feasibility, it was observed

- a) That the subject property found in MCD objection list dated 13.10.2014 for unauthorized construction in the shape of the entire fourth floor.
- b) Outstanding energy dues were found in respect of two regular connections, one out of which is in the name of complainant.
 - i) CA No. 100334539, Rs. 17951/- Abdul Wasi
 - ii) CA No. 350910718, Rs. 699/- Shehnaaz.

c) Outstanding enforcement dues were also found against various connections, 400024204, 400024207, 400024315, 400024537, 400024779 and 400024851.

As per OP for new connection, complainant is required to get Building Completion Certificate or NOC from MCD or Architect Certificate regarding height, in case this Forum comes to the conclusion that applied premises is not booked for unauthorized construction and to get Fire Clearance Certificate in terms of Rule 27 of the Delhi Fire Services Rule 2010.

3. In rejoinder to the reply complainant reiterated contents of his complaint denying that the height of the building is more than 15 meters and specifically denied the objection of MCD booking as alleged by the OP, further stated that in the year 2017, 2018 and 2022 a number of connections have also been given by the OP after the alleged booking and there is no requirement of BCC/NOC as the said building is constructed as per the guidelines of concerned authority.
4. Arguments of both the parties are heard at length.
5. From the narration of facts and material placed before us we find that OP does not provide complete details of MCD booking. OP placed on record print out of excel sheet of their record. No list or letter of MCD is placed on record to prove that it's the premise of the complainant which is booked by MCD. Thus, the benefit of doubt goes in the favour of complainant. With respect to the objection of height we find Architect

Certificate dated 02.04.2024 placed on record which specifically states that the height of the said building from road level upto 4th floor is 15 meters and is in accordance with building bye laws. Thus objection of height no more remains hence Rule 27 as taken plea of by OP is not applicable in the present case.

Regarding the pending energy dues, the complainant should clear the dues pending in his name. OP should waive off the entire LPSC amount from the pending bill.

Regarding the enforcement bills, As per Regulation 13 (2) of THE DELHI ELECTRICITY REGULATORY COMMISSION (Forum for Redressal of Grievances of the Consumers and Ombudsman) REGULATIONS, 2018 this Forum has no jurisdiction to entertain the complaints under shall not entertain grievances falling under Sections 126, 127, 135 to 139, 142, 152, and 161 of the Act. Therefore, the complainant should approach appropriate court or authority for the pending dues.

6. Water and electricity is integral part of right to life. Hon'ble Supreme court in the matter of Dilip (dead) LR Vs Satish, in the case no. SCC 810 dated 13.05.2022 has held that electricity is basic amenity which a person cannot be deprived off. Even on the principle of law there should be equity before law and equal protection of law in the spirit of constitution.
7. In the facts and circumstances aforesaid, we are of the view that the respondent may be directed to provide the connection with the condition that at the time of release of new connection the complainant should file an affidavit that if in future MCD takes any action against the her property then OP should be at liberty to disconnect the supply of the complaint is allowed.


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ORDER

The complaint is allowed. The complainant is directed to clear both the energy and enforcement dues thereafter OP shall release the new connection to the complainant after completion of other commercial formalities and after giving undertaking regarding the fact that whenever MCD in future will take action, OP is free to disconnect the new electricity connection.

The case is disposed off as above.

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



(S.R. KHAN)
MEMBER-TECH



(P.K. SINGH)
CHAIRMAN



(P.K. AGRAWAL)
MEMBER-LEGAL



(NISHAT AHMAD ALVI)
MEMBER-CRM



(H.S. SOHAL)
MEMBER

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Secretary
CGRF (BYPL)