

C G R F



B Y P L

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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REGD. OFFICE

C A No. Applied for
Complaint No. 30/2024

In the matter of:

Avishek Kumar & Abdul Rehman

...Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

1. Mr. Avishek Kumar, Counsel for the complainant
2. Mr. Akash Swami, Mr. Akshat Aggarwal & Chhavi Rani On behalf of BYPL.

ORDER

Date of Hearing: 25th June, 2024

Date of Order: 10th July, 2024

Order Pronounced By:- Mr. Nishat A. Alvi (Member)

1. The brief facts of the case giving rise to this grievance are that the complainants applied for new electricity connections at premises No. 221, Third Floor, J-Extension, Laxmi Nagar, Near Firdosh Masjid, Delhi-110092, vide requests no. 8006682043, 8006682072, 8006682054 & 8006682085. The application of complainants were rejected by OP on the pretext of Connection Already Exists, Energy Dues against CA, MCD Objection, NOC or Completion and Occupancy Certificate Required and Fire Safety Clearance Required for Building height is more than 15 meter.

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2. The respondent in their reply briefly stated that the complainant applied for four new electricity connections at premises No. 221, Third Floor, J-Extension, Laxmi Nagar, Near Firdosh Masjid, Delhi-110092. The details of the applications are mentioned below:

APPLICATION NO.	APPLICANT	ADDRESS
8006682043	Abdul Rehman	221, Third Floor, J-Extension
8006682072	Abdul Rehman	221, Third Floor, J-Extension
8006682054	Abdul Rehman	221, Third Floor, J-Extension
8006682085	Abdul Rehman	221, Third Floor, J-Extension

The applications of the new connections were rejected on account of property appearing in MCD Objection list of unauthorized construction Vide letter no. EE(B)-I & II/Shah(S)/2020-21/D-1436 dated 13.11.2020 at serial No. 660. Further, it was observed that the height of the applied premises is beyond the specified limits more than 15 meters as the applied floor is effectively the Fourth Floor. During the inspection of the premises it was found that there exist pending energy dues against the CA No. 101045709 amounting to Rs. 28,848/-.

3. Rejoinder filed by the complainants refuted the contentions of the respondent as averred in their reply and the complainant submitted that the complainants are the co-owners in respect of the third floor, a part of built up property bearing no. 221, land area measuring 257 square yards i.e. 315.85 square meters (approx) out of Khasra No. 54/17, situated in the abadi of J-Extension, Laxmi Nagar, Delhi-110092 vide registered Sale Deed dated 24.09.2021. Complainant submitted that the OP never conducted any site inspection and falsely alleged that the applied premise is under the MCD Objection List on account

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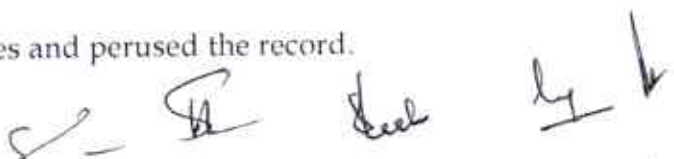
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of unauthorized construction. It is submitted that the premises in question is not under the MCD Objection list filed by the OP itself as at the Sl. No. 660, the description of the property has mentioned as J-221, Mandir Wali Gali, Laxmi Nagar, Delhi. But the address of the applied building is Third Floor being part of property no. 221, J-Extension, Laxmi Nagar, Delhi-92, which clearly proved the falseness of the OP. Further the alleged dues of Rs. 28,840/- in the name of Jagjit Singh, habitant of the ground floor of the property lying since a long i.e. 19.02.2016 and despite the said dues, OP installed the new electricity connections as detailed in the complaint.

4. Both parties were directed to conduct joint site visit. Joint visit was conducted on 10.04.2024 and the site visit report stated as under:-
 - a) There are two buildings with two stairs exist but on the roof of these Buildings have no separation.
 - b) No other Building exists of address 221, J-Extension, Laxmi Nagar.
 - c) MCD booked Building and applied premises are same address.
5. In support of their contentions, complainant placed on record deficiency letters, copies of bills of Upper Ground floor, 1st floor, ground floor shop no. 1 and GF shop no. 2 of the applied premises, sale deed in favor of the complainants, list of the premises existing in Laxmi Nagar Area as per Electoral Record. On the other hand in support of its contentions OP placed on record IR, MCD letter, bill of disconnected connections and visit report.
6. Heard both the parties and perused the record.

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7. From the perusal of record it transpires that OP rejected the requests of the complainants for electricity connections on the third floor of the applied premises on four grounds namely-1) existence of connection on the applied premises, 2) dues on the applied premises, 3) height more than 15 meters and 4) MCD booking.

So far, as the objection of existing connection is concerned, OP has neither mentioned any CA No nor placed on record any bill to show that a particular connection is already existing on the applied premises. The only bill placed on record by the OP is of CA no. 101045709 in the name of Jangjit Singh. Perusal of this bill shows that it was installed at GF of 221, J-extension, Laxmi Nagar, Delhi-92 and has since been disconnected. Thus there is no basis of OP's claim that already the applied premises are energized.

So far, as the objection of dues is concerned, the bill on the basis of which OP is claiming the dues is of GF while the applied floor is 3rd floor of the same premises. Not only this, as per record the disconnected connection was disconnected in the year 2016 and since then the outstanding thereof is pending. Not only this, OP has also granted two connections in the name of one Salma on the very premises of GF in the year 2022 that too without claiming the outstanding dues of the disconnected connection. Accordingly, claim of the OP for the dues of GF portion of the subject premises from the owner of third floor of the premises is unjustified.

So far, as the objection of height is concerned, OP itself states that the applied floor is the fourth floor and claims the height of the building beyond 15 meters without placing on record any material substantiating its claim.

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Regarding MCD objection, going through the MCD letter dated 17.11.2020, we find the address of the booked property J-221, Mandir Wali Gali, Laxmi Nagar, while the address depicted on the bill of disconnected connection shows that the address of the applied premises is simply 221, J-extension, Laxmi Nagar, Delhi-110092. The sale deed in favour of the complainants also shows the same address as of the disconnected connection. Thus there is an apparent difference of locality. The booked premises are shown situated in J-block of Laxmi Nagar while the applied premises situated in a particular locality by the name J-extension without giving any block. Further perusal of IR submitted by OP itself shows that there are number of properties by the number 221 like H. No. 221, Guru Ram Dass Nagar, Laxmi Nagar, CR-221, Lalita Park, Laxmi Nagar, D-221, Laxmi Nagar, 221 Sita Ram, CGHS, Indraprastha Extension, Delhi-92. Perusal of the electoral roll also shows there are number of specific localities in Laxmi Nagar area itself namely Gharwali Mohalla Laxmi Nagar, Krishan Kunj Laxmi Nagar, J-extension Laxmi Nagar, Guru Angad Nagar Laxmi Nagar extension, west Jawahar Park Laxmi Nagar, Vijay Block Laxmi Nagar, J&K block Laxmi Nagar, Narain Nagar Laxmi Nagar. Therefore, we can't conclude that the booked premises no. 221 is only in specific locality of applied premises. This might also be the reason that OP has mentioned the applied premises as suspected booking in its IR placed on record.

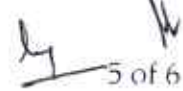
We also find that in the IR itself, giving details of the applied premises, it is specifically shown that building is not a new building.

8. In the facts and circumstances OP has failed to make it sure that the booked premises are actually the applied premises. On the basis of aforesaid observations the objections of the OP in rejecting the request of the complainant for new connections are not duly proved and OP has unjustly rejected the request so made.

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ORDER

The complaint is allowed. OP is directed to release the connections applied for vide request numbers 8006682043, 8006682072, 8006682054 and 8006682085 on the production of an Architect Certificate thereby proving that the height of the applied building is within 15 meters alongwith an undertaking on Oath, by way of affidavit, thereby undertaking that if in future there is any action on behalf of MCD on the basis of alleged booking, then OP shall be within its right to disconnect the connections so released to which complainant shall have no objection.

OP is further directed to file compliance report within 21 days from the date of this order.

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. SINGH)
CHAIRMAN


(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER

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