



C A No. Applied for
Complaint No. 371/2024

In the matter of:

Bijender Sharma

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. S.R. Khan, Member (Technical)
4. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Imran Ul Haq Siddiqi, Counsel of the complainant
2. Mr. Deepak Pathak, Mr. R.S. Bisht, Ms. Chhavi Rani & Mr. Lalit,
on behalf of respondent

ORDER

Date of Hearing: 05th December, 2024

Date of Order: 06th December, 2024

Order Pronounced By:- Mr. S.R. Khan, Member (Technical)

1. The brief facts of the case giving rise to this grievance are that the complainant applied for a new electricity connection at premises no. A-23, Guru Ram Das Nagar, Laxmi Nagar, Delhi-110092, vide request no. 8006995842. The application of complainant was rejected by Opposite Party on the pretext of No Stilt parking GF, Connection not feasible on common stairs.

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Secretary
CGRF (BYPL)

 1 of 3

Complaint No. 371/2024

2. The respondent in reply briefly stated that the present complaint has been filed by the complainant seeking for one new connection at the ground floor common stair on the premises no. A-23, Guru Ram Das Nagar, Laxmi Nagar, Delhi-110092, vide request no. 8006995842. The application of the new connection was rejected on account of no stilt parking in the property and there common connection cannot be granted as applied by the complainant. As per ownership document, Bijender Sharma is the owner of the whole property however BYPL has already sanctioned the new connection on first floor to Ms. Swati on her ownership of the first floor which has already been sold out by Bijender Sharma on dated 05.12.2022.

The complainant is seeking the connection to the common area without the ownership documents of the property as the complainant has sold his property and therefore connection for common space cannot be sanctioned without ownership documents of the property. As property is already sold out by Bijender Sharma so complete ownership of Bijender Sharma is not established/claimed so common connection is not feasible on fabricated document. The document submitted by the complainant does not stated which part of the property is owned and in possession of the complainant. Furthermore, for staircase, separate connection cannot be granted to any co-owner of the property without NOC and other compliances regarding that.

3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the complainant has purchased the complete premises (50 square yards) in year 2007 and developed the building flat wise and in year 2022 sold the flat on the first to Ms. Swati, however the complainant still own/hold third floor flat in the applied building having CA No. 15431087.

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CGRF (BYPL)

  2 of 3

Complaint No. 3/1/2024

Complainant stated that no NOC is required as per DERC rules and regulations as the connection is applied under DOM 3 tariff category as per tariff order 2020-21.

4. During the course of hearing, before this Forum on 05.12.2024, the complainant states that he has submitted NOC with ID of Ms. Swati, owner of the first floor which is also confirmed by representative of OP appearing in the Forum the and there.
5. In the facts and circumstances of the deficiency, of NOC of all the residents/owners of the building has been satisfied. Hence there remaining no deficiency we don't find any hurdle in grant of the connection as applied for.

ORDER

The complaint is allowed. Respondent is directed to release the new connection applied by complainant vide application no. 8006995842 at premises no. A-23, Guru Ram Das Nagar, Laxmi Nagar, Delhi-110092, after completion of all the commercial formalities.

This Order shall be complied within 21 days of the receipt of the certified copy or from the date it is uploaded on the Website of the Forum; whichever is earlier.

The parties are hereby informed that instant Order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order.

If the Order is not appealed against within the stipulated time, the same shall be deemed to have attained finally.

Any contravention of these Orders is punishable under Section 142 of the Electricity Act 2003.

Attested True Copy


Secretary
CGRF (H.S. SOHAL)

MEMBER


(P.K. AGRAWAL)
MEMBER(LEGAL)


(S.R. KHAN) 12/24
MEMBER(TECH.)


(P.K. SINGH)
CHAIRMAN