

C A No. Applied for
Complaint No. 164/2023

In the matter of:

Dimple

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

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 (Technical)

Appearance:

1. Mr. Neeraj Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. Imran Siddiqui, Ms. Shweta Chaudhary, Mr. Shubham Singh & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 25th April, 2023

Date of Order: 02nd May, 2023

Order Pronounced By:- Mr. P.K. Agrawal, Member (Legal)

1. This complaint has been filed by Ms. Dimple against BYPL-PTN.
2. The brief facts of the case giving rise to this grievance are that Ms. Dimple applied for new electricity connection vide request no. 8006160958 at premises no. 16/1342E, GF, Bapa Nagar, Arya Samaj Road, Karol Bagh, Near Mandir, Delhi-110005 but respondent rejected her application for new connection on the pretext of MCD objection.

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3. OP in its reply briefly stated that the complainant is seeking new electricity connection at ground floor of suit property bearing no. 16/1342 E, Bapa Nagar, Arya Samaj Road, Karol Bagh, Near Mandir, Delhi -110005 vide application no. 8006160958. The application of the complainant was rejected vide deficiency letter which was issued to the complainant and it mentioned that the applied address was found in MCD objection list vide letter no. D/EE(B)/KBZ/2020/408 dated 22.06.2020. The subjected property is at sl. no. 40, as per the objection list circulated by MCD unauthorized construction is 'in shape of entire ground floor, first floor, second floor and third floor along with projection on MPL land.

OP further added that in terms of Regulation 10 new electricity connection can be provided on applicant filing duly filled forms for the new connection as approved by DERC. As per said form the applicant undertakes that the building has been constructed as per prevalent building bye-laws.

4. Counsel of the complainant rebutted the allegations of respondent as averred in their reply and submitted that the property in question is constructed as per building bye-laws, therefore he is entitled for the new electricity connection at his premises.

5. LR of the OP submitted that premises of the complainant have been booked by MCD and the complainant has to submit Building completion certificate or NOC from MCD department for release of new electricity connection.

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6. The complainant has emphasized on the fundamental rights for claiming electricity connection. However, Hon'ble Delhi High court in case of Parivartan Foundation Vs. South Delhi Municipal Corporation & Others W.P. (c) 11236/2017 dated 20.12.2017 has laid down that
3. The BSES Rajdhani Private Limited and the Delhi Jal Board shall ensure that no connections are provided and water and electricity is not supplied to the buildings constructed in violation of law.
4. In case, the connections have been given to the buildings constructed in violation of law, appropriate steps in accordance with law shall be taken regarding those connections.

7. In this regard, Hon'ble Delhi High Court in the case of W.P. (c) 2453/2019 has held "However, merely because some of the occupants of the building have wrongly been given an electricity connection, it cannot be ground for the court to direct respondents' no. 2 and 3 to further compound the wrong act and direct granting of a new electricity connection to the premises of the petition which is located in the building whose height is more than 15 meters."
8. This Forum is of the view that there is unauthorized construction on the address of the complainant as reported by MCD which has not been removed by the complainant. Therefore, OP cannot be compelled to release the new connection to the complainant.

Attested True Copy
Sooraj
Secretary
CGRF (BYPL)

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ORDER

The complaint is rejected. The Respondent has rightly rejected the application of the complainant for new connection.

The case is disposed off as above.

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

 (NISHAT A. ALVI)
MEMBER (CRM)

 (P.K. AGRAWAL)
MEMBER (LEGAL)

 (S.R. KHAN)
MEMBER (TECH.)

 (P.K. SINGH)
CHAIRMAN

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Attested True Copy


Secretary
CGRF (BYPL)