



C A No. Applied for
Complaint No. 431/2024

In the matter of:

Javed

.....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. None present on behalf of the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht, Mr. Lalit & Ms. Chhavi Rani,
On behalf of BYPL

ORDER

Date of Hearing: 05th December, 2024

Date of Order: 09th December, 2024

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

1. The brief fact of the case giving rise to this grievance is that the complainant applied for a new electricity connection at premises no. 4528, 3rd floor, Gali Shahtara, Ajmeri Gate, Delhi-110006, vide request no. 8007026257. The application of complainant was rejected by OP on the pretext of MCD Objection and requirement of Architect Certificate for height of the building as the applied floor is effectively 4th floor

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CGRF (BYPL)

1 of 4

Complaint No. 431/2024

2. The respondent in reply briefly stated that the present complaint has been filed by the complainant seeking new electricity connection at the third floor of the property bearing no. 4528, Gali Shahtara, Ajmeri Gate, Delhi-110006, vide request no. 8007026257. The application of the new connection was rejected on following grounds:

Firstly; Applied address found in MCD Objection list circulated to BSES vide letter no. D-215/EE(B)-II/City-S.P. Zone/2023 dated 13.10.2023 mentioned at sl. no. 9.


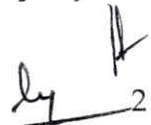
Secondly; applied premises floor i.e. 4th floor requires submission of a valid, legal Architect Certificate.

Thus, as a pre-condition for releasing a new connection at the premises, complainant is required to remove the deficiencies by providing Building completion certificate and payment of pro-rata dues.

3. Heard arguments of both the parties at length.
4. OP has raised the objection of MCD booking and for this a letter no. D-215/EE(B)-II/City-S.P. Zone/2023 dated 13.10.2023 have been produced before the forum. According to sl. no. 9 of this letter there is unauthorized construction at 2nd floor and 3rd floor in the property situated at the address 4527-29 (part), Lambi Gali, Kucha Pandit, Hauz Qazi, Delhi. The complainant disputed this fact saying that the address of his property is different and demand joint inspection with representative of OP. The joint inspection was held on 29.11.2024 and the joint inspection report states that this building structure was found to be G + M + 5 floors. According to this report address of this property as mentioned by the complainant and address of the property booked by MCD in 2023 was found to be same.

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Secretary
CGRF (BYPL)

  2 of 4

Complaint No. 431/2024

5. According to the GPA dated 16.12.2023 filed by the complainant, the subject property is part of DDA slum & JJ property no. 4528. It is well known that DDA slum & JJ property cannot be transferred by the allottee to whom DDA/DUSIB has allotted the property. Hon'ble Delhi High Court in LPA 72/2023 and LPA 75/2023 decided on 14.02.2023. has held as following:-

10. Granting the benefit as sought by the Appellants would amount to giving a premium to the Appellants who are unauthorized occupants of the property. Apart from the fact that the Appellants could not purchase the property in question, the Appellants have made unauthorized construction on the said property and have further encroached upon government land. Therefore, no fault can be found with the orders passed by the competent authorities under the DUSIB Act cancelling the allotment(s).

11. The right, if any, for claiming conversion of lease hold to free hold could be exercised only by the original allottee(s) and grievance, if any, could have been raised only by the original allottee(s) and not by the individuals who had purchased the plot in violation of the terms of licence on which the shop had been allotted to the original allottee(s).



12. In view of the fact that the Appellants are only the subsequent purchasers having no semblance of rights to convert the property from lease hold to free hold and in view of the fact that there is unauthorized construction on the properties in question as well as encroachment of land, which are all in clear violation of the policy, this Court does not find any reason to interfere with the judgments passed by the learned Single Judge.

6. The complainant has not filed any chain of property transactions which can prove his title/lawful possession of the property. In view of aforesaid it is clear that the property has been unauthorisedly transferred and then further floors were constructed unauthorisedly.

This Forum in a similar matter vide CG No. 430/24 in the name of Mohd. Nadeem Vs BSES has denied the connection to the complainant on the same grounds. The only differences in both the cases are of the floors, both complaints pertain to same building.

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Secretary
CGRF (BYPL)

  3 of 4

Complaint No. 431/2024

7. In view of the above, this Forum is not inclined to grant any relief as requested by the complainant.

ORDER

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

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.

(H.S. SOHAL)
MEMBER

(P.K. AGRAWAL)
MEMBER (LEGAL)

(S.R. BHANU)
MEMBER (TECH.)

(P.K. SINGH)
CHAIRMAN

4 of 4

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