



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
Phone: 32978140 Fax: 22384886
E-mail:cgrfbyp@hotmail.com
SECY/CHN 015/08NKS

C A No. Applied for
Complaint No. 419/2023

In the matter of:

KamleshComplainant

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 (Technical)

Appearance:

1. Mr. Neeraj Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht & Ms. Chhavi Rani, On behalf of BYPL

ORDER

Date of Hearing: 06th February, 2024

Date of Order: 12th February, 2024

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

1. This complaint has been filed by Smt. Kamlesh against BYPL-Vasundhara Enclave. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connection vide request no. 8006609413 at premseis no. B-339, GF, back portion, old no. 7-B, Kh. No. 389/263, New Ashok Nagar, Near Sangam Gali, Delhi-110091.

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for
Secretary
CGRF (BYPL)

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1 of 5

Complaint No. 419/2023

2. OP in its reply briefly stated that the present complaint has been filed by the complainant seeking fresh electricity connection for ground floor of property bearing no. B-339, back portion, Old plot no. 7-B, Kh. No. 389/263, New Ashok Nagar, Near Sangam Gali, Delhi-110091. The application of the complainant for new connection vide application no 8006609413 was rejected and deficiency letter was issued on 20.10.2023 on account of meter removal against one temporary connection bearing CA No. 351024307 and further for the reason as applied address was found in MCd objection list forwarded to respondent vide letter no. EE(B)-II/Sh(s)/2020/D-66 dated 23.01.2020, the subject property is mentioned at serial no. 3779. As per the said list in respect of subject property unauthorized construction is in the shape of GF and FF. Reply further stated that regarding existing connections in respect of the adjacent building, the same were issued on the basis of sanction plan and undertaking as from site visit and MCD objection list it appeared that the adjacent building was not booked by MCD. Notices were issued to the registered consumer to provide a copy of the Building Completion Certificate (BCC) as earlier the connections were released on his undertaking that subject premises was constructed as per building bye laws and on his submissions on sanctioned building plan issued by then EDMC.

3. Counsel of the complainant filed his rejoinder, refuting the contentions of the respondent as averred in their reply and stated that applied premises B-339, New Ashok Nagar, Delhi-110096 is a huge area and partly booked in MCD vide file no. 689/B dated 07.11.2019 in the name of Mahak. At the time of MCD booking in 2019, one temporary connection was released vide CA no. 350981388 dt. 18.09.2019 namely Satyendra Kumar. The complainant also applied for temporary connection and same was released vide CA No. 351024307 on 30.07.2020.

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For
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[Signature] 2 of 5

Complaint No. 419/2023

4. We have gone through the submissions made by both the parties. From the narration of facts and material placed before us we observe that the complainant has filed a copy of GPA dated 10.03.2004 for transfer of one property bearing no. B-339, measuring 100 sq. yards out of Khasra no. 389/263 to Sh. Satyander Kumar s/o Sh. Sunder Singh by Sh. Baldev Singh s/o Lt. Sh. Mukund Lal. There was road on the east side and south side of the property and property of Garjanand in West and property of others in north.
5. The complainant has filed one copy of GPA dated 03.06.1988 by Smt. Kanti Devi to Smt. Kamlesh w/o Sh. Todar Mal transferring the property measuring 100 sq yards out of Khasra No. 389/263 part of plot no. 7b, which is bounded by the road on west and north side and the plot of others on east and south side.
6. The complainant also placed on record another sale deed dated 03.06.1988 by Smt. Bhagwati Devi w/o Sh. Sham Lal in favour of Smt. Natho Devi w/o Lt. Sh. Hans Raj, transferring land measuring 100 sq yards, plot no. &-B, out of Khasra no. 389/268, situated in abadi of New Ashok Nagar, in village chilla Saroda Bander, Illaqa Shahdara, Delhi-110092 and bounded by plot of others in east, west and south and gali in north side.
7. As per MCD letter dated 07.11.2019 unauthorised construction had been carried out on GF, FF at property bearing no. B-339, New Ashok Nagar, Delhi, demolition order passed on 23.12.2019. The complainant has requested for one electricity connection at the GF of the property where one permanent non-domestic connection and one temporary non-domestic connection is already exists. It is not clarified by the either parties as to how two no-domestic connections have been given at the ground floor of the same property.

Subs *84* *3 of 5*

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CGRF (BYPL)

Complaint No. 419/2023

8. The complainant has indulged in Forum hunting as she filed a complaint no. 178/2022 regarding her request for seven (7) electricity connections in the same property but filed the withdrawal application after all the pleadings were complete, where upon this Forum allowed withdrawal vide its order dated 13.12.2022.
9. After withdrawing the case from this Forum, the complainant filed a Civil Suit no. 28/2023 titled Kamlesh Vs BSES YPL in the court of ASCJ cum JSCC which was again withdrawn vide Court's order dated 29.11.2023 after status report was filed by MCD clarifying that property in question was booked for unauthorized construction and demolition order was issued on 05.12.2019.
10. After the demolition orders were issued, the OP released new connection to Mr. Satyender Kumar, B-339, GF, Kh. No. 389/263, New Ashok Nagar, Delhi-110096, on the basis of the declaration and on 23.12.2022 BSES had issued notice to Mr. Satyender Kumar for disconnection within 7 days failing which action shall be taken against him.
11. Neither party has submitted the progress made regarding the demolition as ordered by MCD on 05.12.2019 and disconnection of electricity connection for which notice was issued by BSES on 23.12.2022.
12. It can be seen that the complainant has submitted the property documents (GPA) of three persons namely Smt. Kanti Devi, Smt. Bhagwati Devi and Sh. Baldev Singh which do not form either the chain of property documents or constitute a proof that the applicant's property is different from the property booked by the MCD.
13. During the proceedings of her earlier complaint vide complaint no. 178/2022, the complainant had informed about a RTI application made to the MCD, but she has failed to submit details of the reply with regard to RTI application before this Forum.

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4 of 5

Complaint No. 419/2023

14. It is also important to notice that during the earlier complaint no. 178/2022 (para-3 of rejoinder dated 10.11.2022), the complainant has denied the existence of two non-domestic electricity connections at her property but in the present complaint, she has admitted that there are two non-domestic electricity connections at her property and has also produced the electricity bills in this respect. According to the electricity bills, temporary non-domestic connection has been installed at second floor which was energized on 30.07.2020 but according to the photographs of the property produced by the complainant before this Forum in this case, there is only GF and FF.

15. It is clear on the facts given above that the complainant has been distorting the facts and misusing the process of law to achieve her objective by hook or by crook, and on the other hand OP has failed to exercise diligence and to solve the riddle woven by the complainant. In the conclusion this Forum is of the considered opinion that the complainant has failed to justify her request for new electricity connection.

The case is therefore dismissed.

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

Deekhi
(NISHAT A ALVI)
MEMBER (CRM)

by
(P.K. AGRAWAL)
MEMBER (LEGAL)

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

W
(P.K. SINGH)
CHAIRMAN