



C A No. Applied For
Complaint No. 286/2024

In the matter of:

Lalita GuptaComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Neeraj Kumar, Counsel of the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht, Mr. Akshat Aggarwal, On behalf of BYPL

ORDER


Date of Hearing: 19th November, 2024

Date of Order: 21th November, 2024

Order Pronounced By:- Mr. P. K. Singh, Chairman

1. As per the complaint, the complainant applied for seven new electricity connections at her premises bearing no. 483/48, Old Seema Puri Road, Dilshad Garden, Delhi-110095 vide application numbers 8006791185, 800671153, 8006791159, 8006791166, 8006791174, 8006791179 and 8006791185. The said applications of the complainant for new connections were rejected by OP on the grounds that building is booked by MCD and Architect Certificate required. Complainant alleges that the

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plot bearing no. 483/48 is a big plot of 14000 square gaz and she, vide sale deed dated 27.03.2018, purchased part of this plot. She further alleges that OP has already released numerous connections, in other parts of this big plot purchased by other occupants at the same time, in the year 2022 and 2023. It is also her case that she is owner of only 75.25 sq. meters out of total big plot of 14000 square gaz. Therefore, she requested the Forum for directions to OP to release the new electricity connections as applied for by her.

2. In response to the complaint, by filing its reply, OP states that the applied premises have an issue of MCD booking for unauthorized construction. The subject property is shown at Sr. no. 115 of the MCD list for unauthorized construction vide MCD booking file no. 17/UC/B-I/SH-N/2015 dated 23.01.2015, Owner - Sh. Neeraj Jain, Sh. Naveen Sharma on said premises, U/C in two properties in the shape of Ground Floor, First Floor, Second Floor, with projection on Mpl. Land. This booking at Sr. no. 115 is shown in list provided by MCD attached with its latter no. EDMC/EE(B)-I/SH-N/2018/D-51 dated 08.02.2018. Reply further states "that so far as the contention that the said property does not fall within the ambit of the MCD action, it shall be for MCD to identify the subject premises and state whether the same is within or outside the ambit of the UC. The property in question is situated in unauthorized area having no demarcated municipal no and document, on the strength of which the connection is sought, is unregistered and BYPL cannot ascertain whether the property falls within the same property of UC or outside". Request for new connection was rejected due to MCD objection for unauthorized construction and architect certificate required.

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3. In rejoinder to the reply complainant denied that applied premises are under MCD objection list for unauthorized construction and the architect certificate is required. Rejoinder further denied the allegation in reply that upon inspection on the applied premises it was discovered that the same has the issue of MCD booking for unauthorized construction and that there is violation of the provisions of the Electricity Act and the Regulations. Hence, all such deficiencies shown in the reply are false and fabricated. Rejoinder states that the complainant purchased the applied premises of 75.25 square meters in the year 2018, by way of sale deed, with the right to construct up to last storey. On the other hand rejoinder also alleges that a number of connections have also been given by the OP in various premises under same Khasra No. having 14000 square yards of land. Hence, she may also been granted the connection.

In support of this contention complainant has placed of record a rough sketch giving details of the connection released and respective bills thereof along with sale deed of the applied premises.

4. On the other hand OP has filed of copies of rejection latter, IR and MCD letter, dated 08.02.2018 comprising list of properties booked, along with its letter dated 12.03.2019 in response thereof.

5. Heard the arguments and pursued the record.

6. As per pleadings the complainant Ms. Lalita Gupta, have applied for seven new electricity connections vide request no. 8006791185, 800671153, 8006791159, 8006791166, 8006791174, 8006791179 and 8006791185 at property bearing address 483/48, Old Seema Puri Road, Dilshad Garden, Delhi-110095. The main objection OP raised that the premises where new connections are applied by the complainant are booked and sealed property vide letter no. EDMC/EE(B)-1/SH-N/2018/D-51 dated 08.02.2018.

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Now the question arises is whether the property where new electricity connections applied by the complainant and mentioned in her complaint performa is different with property mentioned in the MCD booking list at sl. no. 115.

While finalizing the order, the sale deed which is placed on record by the complainant on the basis of which the connection has been sought was perused and on the page no. 3 of the sale deed property is mentioned as "piece of land area measuring 90 sq yards i.e. 75.25 sq meters bearing part of property no.483/48, out of Khasra No. 1118/283 to 289 and 226 to 229, Khewat no. 272, Khatauni no. 303 and with the right to construct upto last storey, situated at the area of village Jhilmil Tahirpur, Old Seema Puri Road, (Revenue Estate of Dilshad Garden), Illaqa Shahdara, Delhi-110095. Thus the property mentioned in sale deed is same as mentioned at sl. no. 115 of MCD booking list are same property and it seems that the complainant has intentionally mentioned different address in her complaint performa to mislead the Forum.

7. In view of the above, we are of considered opinion that the complainant has tried to mislead this Forum and as seven connections are concerned the complainant has not mentioned any details in the complaint performa mentioning the details of the floors and where the seven connections are required to be installed. The complainant also failed to provide the approved plan of construction of the building for release of the connections. No de-sealing order has also been placed on record to show that the premises have been de-sealed by MCD.
8. In the above said circumstances this Forum is unable to give any relief to the complainant. For release of the connections the complainant has to fulfill above mentioned requirements.

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ORDER

Complaint is rejected. OP has rightly rejected the applications of the complainant.


The parties are hereby informed that the 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 finality.


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



(S.R. KHAN)
MEMBER -TECH



(NISHAT A ALVI)
MEMBER-CRM


(P.K. SINGH)
CHAIRMAN

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Secretary
CGRF (BYPL)


(P.K AGRAWAL)
MEMBER -LEGAL


(H.S. SOHAL)
MEMBER