



C A No. Applied for
Complaint No. 239/2024

In the matter of:

ManjuComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Mr. R.S. Bisht, Mr. Akshat Aggarwal & Mr. Lalit, on behalf of respondent

ORDER

Date of Hearing: 17th September, 2024

Date of Order: 19th September, 2024

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

1. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connection at premises no. B-119, Kh No. 23/21, West Karawal Nagar, Delhi-110094, vide request no. 8006892319. The application of complainant was rejected by Opposite Party (OP) BYPL on the pretext of Re-verification of Dues Required, but complainant stated that her request has been declined on false grounds.

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CGRF (BYPL)

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2. The respondent in reply briefly stated that the present complainant has been filed by complainant seeking for new connection at premises no. B-119, Kh No. 23/21, First Floor, West Karawal Nagar, Delhi-110094, vide requests no. 8006892319. The application of the new connection was rejected on account of property is appearing in MCD Objection list of unauthorized construction Vide letter no. EE(B)-II/SH-N/2016/D-247 dated 09.05.2016 at serial No. 34 in the shape of unauthorized construction at ground floor with projection of Mpl. Land. This letter was received by Respondent on 20.05.2016. The respondent is refrained from granting fresh electricity in the premises which are in the MCD objection list as in the present case of the complainant. Accordingly, no new connection can be granted till the submissions of NOC/BCC from MCD Dept.
3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that there is no deficiency on the part of the complainant. Complainant stated that the ground floor is booked in MCD list and the complainant has applied for new electricity connection upon the first floor. It is further submitted that as per MCD list, the date of booking 2016 and since then the official on the MCD has not given any response to this effect so far.
4. Heard arguments of both the parties were heard at length.

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5. From the narration of facts and material placed before us we find that the complainant applied for new electricity connections which OP rejected on pretext of building booked by MCD. Regarding this objection of OP, that the building of the complainant is booked by MCD and there is no other property of the B-119, apart from the property of the complainant. Complainant in his rejoinder has admitted this allegation of OP that his property was booked by MCD but stated that only ground floor of his property is booked and he has applied for new connection on first floor which is not booked and MCD booked his property in the year 2016 and till date MCD has not taken any action upon the unauthorized construction.
6. As far as legal position is confirmed according to Performa for new connection has been provided in DERC (Supply Code and Performance Standards) Regulations 2017 as annexure 1, seven declarations are required as per performa and in this case 5th one is important "that the building has been constructed as per prevalence building bye-laws and the fire clearance certificate, if required, is available with the applicant."

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.

for
Shahid

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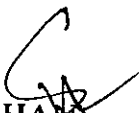
7. Therefore, rejection of complainant's application no. 8006892319 for new electric connection at property no. B-119, Kh. No. 23/21, West Karawal Nagar, Delhi-110094 by OP is justified and based on safety and security.

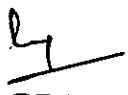
ORDER

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

Accordingly, the complaint is dismissed as not maintainable.


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


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


(P.K. AGRAWAL)
MEMBER (LEGAL)


(P.K. SINGH)
CHAIRMAN

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