

C A No. Applied for
Complaint No. 432/2024

In the matter of:

Mohd Aftab KheriComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat A Alvi, Member (CRM)
3. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Neeraj Kumar, Counsel of the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal, on behalf of respondent

ORDER

Date of Hearing: 08th October, 2024

Date of Order: 09th October, 2024

Order Pronounced By:- Mr. H.S. Sohal, Member

1. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connections vide requests no. 8007050581, 8007050584 and 8007050585 at premises no. 3616, second to fourth floor, ward no. 7, Katra Deena Baig, Near Lal Kuan, Delhi-110006, but respondent rejected her application for new connection application on pretext of MCD confirmation required.

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Secretary
CGRF (BYPL)







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2. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking for new electricity connections under domestic category on second, third and fourth floors of premise no. 3616, Ward no. 7, Katra Deena Baif, Near Lal Kuan, Delhi-110006 vide request no. 8007050581, 8007050854 and 8007050585. Reply further states that the applications of the complainant were rejected for the following grounds:

- i) Applied address is under MCD booking list no. D-19/EE(B)-I/C-SPZ/2023 dated 17.04.2023 at sl. no. 2, that too with the same name of the complainant i.e. Mohd Aftab Khair. The list states "In continuation of earlier booking no. 38/86/B/UC/CZ/09 dated 11.11.2009 and in continuation of earlier booking no. 41/86/B/UC/CZ/10 dated 02.11.2010 and in continuation of earlier booking no. 115/90-N/B/UC/EE(B)-1/CSPZ/2020 dated 28.10.2020, further unauthorized construction in 4 portion (A, B, C & D) as shown in diagram : (A) u/c of covering of GF and mezzanine floor. (B) U/c of partly 5th floor in shape of room and lift-pit. (C) U/c of 5th floor and partly 6th floor (D) U/c of 5th floor.
- ii) Pending enforcement dues need to be cleared.
- iii) Fire safety clearance required as building height is more than 15 meters, as the applied floor is 4th floor and building status is GF+5 (GF-NX and Mezzanine to fourth floor-DX).

3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and stated that the property in question is divided into four parts namely A, B C and D and the complainant's premises is part B only. He also took cognizance of speaking order of Assistant Engineer (building) city S.P. Zone of MCD. Rejoinder further stated that despite booking many more connections were released by OP on applied premises as well as Part A, C and D.

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4. Arguments of both the parties were heard at length.
5. From narration of facts and material placed before us we find that the complainant applied for new electricity connection and OP raised deficiency of MCD booking. From the perusal of the Order of MCD under Section 343 of DMC Act 1957 vide no. 201/AE/Bldg./CSPZ/23 dated 08.0.2023 issued by Assistant Engineer (Building) City SP Zone, it is clearly evident that the property no. 3616, Katra Dina Beg, Lal Kuan, Delhi-110006 is booked multiple times by MCD and that too in stages according to the construction of the property. Property no. 3616 is divided into four parts A, B C and D. The complainant approached Forum for new connections at second, third and fourth floors of part B.

The MCD booking details are as under:

- a) Earlier the booking was done vide file no. 38/86/B/UC/CZ/09 dated 11.11.2009, in the shape of unauthorized at ground floor and first floor, four halls at ground floor with stair case and one hall and tin-shed at first floor and demolition orders were also passed.
- b) Next booking was done in the year 2010 vide file no. 41/86/B/UC/CZ/2010 dated 12.11.2010, in the shape of unauthorized construction of entire first floor to fourth floor and demolition order was passed on 15.11.20210.
- c) Thereafter, the premises of the complainant was again booked vide file no. 115/90-N/B/UC/CSPZ/2020 dated 28.10.2020, in the shape of unauthorized construction at third floor and fourth floor including projection on Mpl. Land and demolition order was passed vide no. D/1085/AE(B)-I/CSPZ/2020 dated 05.01.2021 also established that the entire construction at site from ground floor to upper floors is unauthorized.
- d) Further construction of lowering of ground floor and Mezzanine floor, (B) unauthorized construction of partly 5th floor in shape of room and lift pot, (C) construction of fifth floor and partly sixth floor, (D) construction of fifth floor, hence the building is liable to be demolished.

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MCD further stated that property no. 3616, Katra dina Beg, Lal Kuan, delhi-110006, is hereby declared as unauthorized and directed under Section 343 of the DMC Act to be demolished by the MCD at the risk and cost of the owner/builder/occupier.

6. The complainant in his rejoinder has stated that OP has released many new connections in the applied premises as well as adjoining buildings namely A, C and D, but the complainant failed to prove his contention, thus this objection of the complainant is not sustainable.
7. In view of above, we are of considered opinion, that the building in question is entirely booked by MCD and that too multiple times, therefore, the new electricity connections as applied by the complainant cannot be granted.

ORDER


Complaint is rejected. OP has rightly rejected the application of the complainant for new connection. For release of new electricity connection, the complainant has to submit BCC against the objection of MCD.


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 Orders are not appealed against within the stipulated time or no interim stay thereon has been granted by the Ombudsman, the same shall be deemed to have attained finality.

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

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Secretary
CGRF (BYPL)


(H.S. SOHAL)
MEMBER


(NISHAT A ALVI)
MEMBER (CRM)


(P.K. SINGH)
CHAIRMAN