



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

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SECY/CHN 015/08NKS

C A No. Applied for
Complaint No. 113/2023

In the matter of:

Mohd YaqubComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. Nishat Ahmed Alvi, Member (CRM)
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. S.R. Khan, Member (Technical)
4. MR. H.S. Sohal, Member

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Ms. Shweta Bist & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

Date of Hearing: 08th June, 2023

Date of Order: 19th June, 2023

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Secretary

CGRF (BYPL)

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

1. This complaint has been filed by Mohd Yaqub against BYPL-PHG.
2. The brief facts of the case giving rise to this grievance are that Mohd Yaqub, applied for new electricity connection vide request no. 8006113727 at premises no. 11024, Second Floor (part0 Gali Pipal Wali, Motia Khan, Delhi-55 but respondent rejected his applications for new connection on the pretext of MCD objection.

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3. OP in its reply briefly stated that the complainant is seeking new electricity connection on second floor at property bearing no. 11024 (part) Gali Pipal Wali, Motia Khan, New Delhi-110055. The complainant applied for new electricity connections vide application no. 8006113727 for domestic purpose. The application of the complainant was rejected vide deficiency letter which was issued to the complainant and it mentioned that the applied address was found in MCD objection list vide letter no. D/EE(B)/CSPZ/2018/337 dated 15.03.2018. The subjected property is at sl. no. 13, as per the objection list circulated by MCD unauthorized construction is 'in shape of construction of hall at ground floor.

OP further added that building consists of ground floor plus two floors over it and is used for commercial purposes. Also, dues are outstanding in respect of CA No. 150685531, as such dues of Rs. 3210/- on pro-rata basis are claimed. Therefore, for release of new connection the complainant has to submit either NOC from MCD or BCC.

4. Representative of the complainant rebutted the contentions of the respondent as averred in their reply and submitted that it is not his premises which are booked by MCD. The said building in question is a big katra in which 25-30 houses are having same property numbers. MCD has booked only ground floor hall and he has applied for new electricity connection on the second floor. Already there are many connections installed in the applied premises.

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5. LR of the OP submitted that premises of the complainant have been booked by MCD and for release of new electricity connection the complainant has to file BCC or NOC from MCD department.



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6. Heard both the parties and perused the record. From the perusal of evidence placed on record pleadings and after hearing both the parties it is transpired that complainant asked for new connection at 11024 (part) Gali Pipal Wali, Motia Khan, New Delhi-110055, but respondent raised objection that the said property, is booked by MCD vide order no. D/EE(B)/CSPZ/2018/337 dated 15.03.2018. This Forum is of the view that there is unauthorized construction on the address of the complainant as reported by MCD which has not been removed by the complainant. Completion cum occupancy certificate should be presented by the complainant for release of new connection.
7. The complainant has emphasized on the fundamental rights for claiming electricity connection. However, 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.
 4. In case, the connections have been given to the buildings constructed in violation of law, appropriate steps in accordance with law shall be taken regarding those connections.
8. In view of the fact that the complainant has failed to produce the genuine/correct Completion Cum Occupancy Certificate issued by MCD North Zone and, especially in view of the directions of the Hon'ble High Court in Parivartan Foundation case, the Forum is of the view that OP has rightly rejected the electricity connection to the complainant.







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9. In this regard, Hon'ble Delhi High Court in the case of W.P. (c) 2453/2019 has held "However, merely because some of the occupants of the building have wrongly been given an electricity connection, it cannot be ground for the court to direct respondents' no. 2 and 3 to further compound the wrong act and direct granting of a new electricity connection to the premises of the petition which is located in the building whose height is more than 15 meters."

ORDER

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

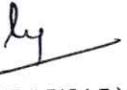
The case is disposed off as above.

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

Proceedings closed.


(H.S. SOHAL)
MEMBER


(NISHAT A. ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


(S.R. KHAN)
MEMBER (TECH)

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