

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. 358/2024

In the matter of:

Naresh Rathore & PreetiComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. H.S. Sohal, Member

Appearance:

1. Ms. Sakshi Sharma Counsel of the complainant
2. Mr. R.S. Bisht & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 6th January, 2025

Date of Order: 10th January, 2025

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

1. The brief fact of the case giving rise to this grievance is that the complainants applied for two new electricity connections at premises no. 676, Second & Third Floor, Jheel Khuranja, Delhi-110051, vide requests no. 8007001591 & 8007001568. The applications of complainants were rejected by Opposite Party (OP) BYPL on the pretext of Address in MCD, NOC or Completion and Occupancy Certificate required and connection already exists, but complainant stated that he is residing at the above said address since long time.

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CGRF (BYPL)

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2. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking two new electricity connections at property bearing no. 676, Second & Third Floor, Jheel Khuranja, Delhi-110051, vide requests no. 8007001591 & 8007001568. The applications of the new connections were rejected on the ground that property is in MCD Objection list of unauthorized construction Vide letter no. EE(B)-1/Sh.(S)/2021/D-1042 dated 16.06.2021 at serial No. 26, in the shape of GF, FF, SF, TF, 4th floor along with projection on Mpl. Land.

Reply further stated that the MCD booking is in the name of Balbir Singh and the complainant is son of Balbir Singh which is clearly evident from the property papers. It is also submitted that the complainant renumbered/numbered the property as 676 whereas MCD list contains the property no. 676-A. The very fact is that the owner of the booked premises is Balbir Singh and the applicants are son and daughter in law of said Owner- Sh. Balbir Singh. This fact is clear from the inspection of the property which matches with the description of the property as mentioned in the MCD List.

3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the applied premises of complainants is House No. 676, Jheel Khuranja, Delhi-31 in the MCD record of the respondent it is mentioned that Property No. 676-A (part) Jheel Khuranja, Delhi-31 instead of House No. 676 and complainant has no concerned with the address of property no. 676-A (part) and electricity connections vide CA No. 100905991 and 157140244 are installed at that property and the address is House no. 676.

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Rejoinder further stated that the complainants have purchased the above said property on 20.12.2010 and the total area of the property is 52 square yards but the complainants share is only 26 square yards and the other part of the property is with one Mr. Rohtash, who is doing the unauthorized construction and objection/verification raised by MCD in this regard and due to this complainants are not getting electricity connection from the respondent.

4. Both the parties were directed to conduct joint site visit report. The site visit report was placed on record and it stated as under:-
 - a) As per joint visit with Mr. Balbir Singh S/o Mahram
 - b) There are three properties found of applied address no. 676, which left hand side from the applied address.
 - c) Applied property is 70 square yards (approx). However applicants submit 26 square yards.
 - d) Same site EDMC booking in the name of Sh. Balbir Singh.
5. During the hearing, OP was directed to produce K. No. file of connection CA No. 151740244 in the name of Ms. Rita.
6. Heard arguments of both the parties.
7. From the narration of facts and material placed before us we find that complainant applied for new electricity connections which OP rejected on pretext of MCD objection.
From the perusal of the documents placed on record this Forum finds some more discrepancies which OP has neither pointed in their reply nor mentioned them during the arguments.

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The complainant failed to fulfill the requirements of Regulation 10 (3) of DERC Regulations 2017 which deals with the Proof of ownership or occupancy of the premises. As per the said Regulation the complainant has to provide any of the following documents as the proof of ownership or occupancy of premises:-

- (i) certified copy of title deed;
- (ii) certified copy of registered conveyance deed;
- (iii) General Power of Attorney (GPA);
- (iv) allotment letter/possession letter;
- (v) valid lease agreement alongwith undertaking that the lease agreement has been signed by the owner or his authorized representative;
- (vi) rent receipt not earlier than 3 (three) months alongwith undertaking that the rent receipt has been signed by the owner or his authorized representative;
- (vii) mutation certificate issued by a Government body such as Local Revenue Authorities or Municipal Corporation or land owning agencies like DDA/L&DO;
- (viii) sub-division agreement;
- (ix) For bonafide consumers residing in JJ clusters or in other areas with no specific municipal address, the licensee may accept either ration card or electoral identity card mandatorily having the same address as a proof of occupancy of the premises.

We also notice that the complainant applied for two new connections, one on the second floor and other at third floor of premises no. 676. From perusal of the K.No. files placed on record it is evident that already a connection in the name of **Rita** exists at second floor at premises no. 676 since 08.01.2016.

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3. Though the OP has not been able to prove that the MCD objection of 676-A (part) applies to the property of the complainant, the complainant has also failed to prove his title to the property.
4. According to the GPA dated 20.12.2010, possession letter ~~84~~ Agreement, Sh. Balbir Singh got 26 sq yards from Sh. Babbu Singh in the property no. 676, Jheel Kurania, Delhi.

As per Partition Deed dated 13.10.2020, submitted by Sh. Naresh Rathore, the complainant, along with his complaint, Sh. Balbir Singh, Sh. Manoj Rathore & Sh. Naresh Rathore (all first party) and Sh. Rohtash Singh, Sh. Kuldeep Singh & Sh. Sandeep Rathore (all second party) said that the above parties are the absolute joint owners of inherited built up property (L-type corner property no. 676 area 51 sq. yards at Jheel Khurania, Delhi-51. By this deed, Sh. Balbir Singh etc. (First party) got a share of 25-1/2 sq. yards in this property. Thus, the documents submitted by complainant don't show the title of complainant. It is not clear, which portion of the property or which floor of the property belongs to the complainant.

Para-4 of the rejoinder further complicates the matter. According to this para - " the complainants have purchased the above said property on 20.12.2010 and the total area of the property is 52 sq. yards, but the complainants purchased only 26 sq. yards."

According to the documents, GF & SF of the property have already been provided electricity connections.

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8. From above discussion it is clear that complainants have applied new connection for second and third floor of the building which was rejected on the pretext of building booked by MCD for unauthorized construction vide letter no. (B)-1/Sh.(S)/2021/D-1042 dated 16.06.2021. Second floor has already been provided electricity connection. In the absence of proper ownership proof we cannot grant new connection to the complainant on third floor.

ORDER

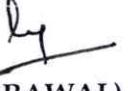
The complaint is rejected. This Forum is unable to give any relief to the complainant, in the absence of property title as required under DERG Regulations.

The parties are hereby informed that 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 finally.

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


(H.S.SOHAL)
MEMBER


(P.K. AGRAWAL)
MEMBER (LEGAL)


(P.K.SINGH)
CHAIRMAN
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