

C A No. Applied for
Complaint No. 124/2023

In the matter of:

Neeraj Mittal & OthersComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Shaky R.S. Gupta, A.R. of the complainant
2. Ms. Ritu Gupta, Mr. Imran Siddiqui, Ms. Shweta Chaudhary & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 02nd May, 2023

Date of Order: 08th May, 2023

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

1. This complaint has been filed by Mr. Neeraj Mittal & Others against BYPL-NNG.
2. The brief facts of the case giving rise to this grievance are that Mr. Neeraj Mittal & Others, applied for new electricity connection vide request no. ONNNG0512220815, ONNNG0112220911, ONNNG0512220758, ONNNG0512220773, ONNNG0512220790 at premises no. C-54, and C-55, West Jyoti Nagar, Shahdara Delhi-94 but respondent rejected his applications for new connection on the pretext of MCD objection.

for Adhikar
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Re. Date *4* *V* 1 of 4

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3. OP in its reply briefly stated that the complainant is seeking new electricity connection on various floors at property bearing no. part portion of C54 and C55, west Jyoti Nagar, Shahdara, Delhi-94. The complainant applied for new electricity connections vide application no. 8006105031, in name of Neeraj Mittal for ground floor parking, 8006105041 in name of Neeraj Mittal at SF, 8006105059 in name of Pankaj Mittal at first floor, application no. 8006105430 in name of Neetu Mittal at fourth floor and 8006105513 in name of Poonam Mittal at third floor. The application of the complainant was rejected vide deficiency letters which were issued to the complainant on 13.02.2023 and it mentioned that the applied address was found in MCD objection list vide letter no. EE(B)/SH(N)/2022/D-274 dated 22.09.2022. The subjected property is at sl. no. 4, as per the objection list circulated by MCD unauthorized construction is 'in shape of GF, FF & SF area 250 sq yards approx.
4. Representative of the complainant submitted that as per DERC Regulation 11 (iv) licensee shall process the application for new connection, within the time frame as specified in Regulations. Further, in many more buildings which are booked by MCD, OP has released the new connections. The representative of the complainant also submitted that he is ready to file affidavit in this regard.
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.

For
Bhawan

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Secretary
CGRF (BYPL)

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6. 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.
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."

*For
Ashwani*

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S. Deek

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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.

Deekh *by*
(NISHAT A. ALVI) (P.K. AGRAWAL)

MEMBER (CRM) MEMBER (LEGAL)

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

V
(P.K. SINGH)
CHAIRMAN

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*For
Ahmed*

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Secretary
CGRF (BYPL)