

C A No. Applied for
Complaint No. 134/2023

In the matter of:

PushpaComplainant

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. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. Amita Sharma, Ms. Shweta Chaudhary & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 23rd May, 2023
Date of Order: 05th June, 2023

Order Pronounced By:- Mr. P.K. Singh, Chairman

1. This complaint has been filed by Ms. Pushpa against BYPL-GTR.
2. The brief facts of the case giving rise to this grievance are that Ms. Pushpa, applied for new electricity connection vide request no. 8006160435 at premises no. 1/1856, FF, Moti Ram Road, Mansarovar Park, Delhi-32 but respondent rejected her application 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 first floor at property bearing no. 1/1856, Moti Ram Road, Mansarovar Park, Delhi-32. The complainant applied for new electricity connections vide application no. 8006160435 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. EE(B)/SH(N)/2019/D-303 dated 11.04.2019. The subjected property is at sl. no. 6, as per the objection list circulated by MCD unauthorized construction is 'in shape of ground floor and first floor'. OP further added that building status is ground plus two floors and no meter was found at site. 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. He further submitted that he purchased the first floor of residential property bearing no. 1/1856, Moti Ram Road, Mansarovar Park, Delhi-92 on 02.07.2019 and as per sale deed the building is constructed in 2010 and one electricity meter already been installed vide CA no. 101273673 in the name of Komal Seth (erstwhile owner of the first floor).

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 first floor of property bearing no. 1/1856, Moti Ram Road, Mansarovar Park, Delhi-32, but respondent raised objection that the said property, is booked by MCD vide order no. EE (B)-II/Sh-N/2019/D-303 dated 11.04.2019. From perusal of the documents placed on record shows that total three floors are constructed in the applied building since 2010. As per registered sale deed dated 02.07.2019, the building is 30.52 sq meters and have total three number of floors which was constructed in the year 2010. From perusal of the registered sale deed the east side shows part of property no. 1/1856, so there is possibility of booking of said portion. The complainant alleged that already a connection in the name of erstwhile owner of the premises exists but OP in their reply submitted that there is no connection in the applied premises.

From above discussions it is clear that complainant has applied new connection which was rejected on the pretext of premises booked under Section 343 and 344 of DMC Act vide letter no. EDMC/EE(B)-I/Sh-N/2019/D-303 dated 11.04.2019 booked for unauthorized construction.

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.

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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."
10. Therefore, we are of the opinion that the premises have been constructed in violation of Rules and Regulations as per law. Therefore, OP cannot be compelled to release the connections.

[Handwritten signatures/initials: 'A', 'S', 'L', 'V' and a checkmark]
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ORDER

Complaint is rejected. Respondent has rightly rejected the applications of new connection of the complainant.

The case is disposed off as above.

No order as to the cost. Both the parties should be informed accordingly. File be consigned to Record Room.


(NISHAT A. ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN
1/3/2023

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