



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
Phone: 32978140 Fax: 22384886
E-mail: cgrfbyp@hotmai.com
SECY/CHN 015/08NKS

C A No. Applied for
Complaint No. 336/2024

In the matter of:

RajwatiComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Imran Ul Haq Siddiqi, Counsel of the complainant
2. Mr. Deepak Pathak, Mr. R.S. Bisht, Mr. Lalit & Mr. Akshat Aggarwal, on behalf of BYPL

ORDER

Date of Hearing: 19th November, 2024

Date of Order: 03rd December, 2024

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

1. The brief facts of the case giving rise to this grievance are that the complainant applied for a new electricity connection at premises no. E-2/168-B, Ground Floor, Kh. No. 54/2, 5th Pusta, Sonia Vihar, Delhi-110094, vide requests no.8006932065. The application of complainant was rejected by OP on the pretext of MCD NOC or Completion and Occupancy Certificate required but complainant stated that her application rejected on false grounds as booked property no. KH-54/1 name of Mr. Prabhakar and his applied address is KH-54/2.

Complaint No. 336/2024

2. The respondent in reply briefly stated that the present complaint has been filed by the complainant seeking new electricity connection at the ground floor of the property bearing no. Kh. No. 54/2, E-2/168-B, Street No.-5, 5th Pusta, Sonia Vihar, Delhi-110094, vide request no. 8006932065. The complainant has applied many time but the said applications of the complainant was rejected. Following are the details of the applications of the complainant applied for new connection.

8006391974	G/F E-2/168, Street No.5, 5 th Pusta, Sonia Vihar	Ms. Rajwati
8006435681	G/F Kh. No. 54/1, Pusta-5, E-2/167-A Sonia Vihar	Mahesh Chander
8006505768	G/F Kh. No. 54/1, Pusta-5, E-2/167-A Sonia Vihar	Mahesh Chander
8006587445	G/F, E-2/168, Kh. No. 54/1, 5 th Pusta Sonia Vihar	Ms. Rajwati
8006658828	G/F, E-2/168-B Kh. No. 54/2 5 th Pusta Sonia Vihar	Ms. Rajwati
8006932065	G/F Kh. No. 54/2, E-2/168-B 5 th Pusta Sonia Vihar	Ms. Rajwati

The above applications were rejected on pretext of MCD Objection as the premises of the complainant are booked by EDMC vide letter no. 60/B-II/UC/SH-N/2021 dated 17.06.2021 at serial no. 4 in the name of Prabhakar at Kh. No. 54/1, E-2 Block, 5th Pusta, Sonia Vihar, Delhi. It is submitted that Sh. Prabhakar is son of Sh. Tek Ram. The chain of property papers establishes that the name Sh. Tek Ram is mentioned. Another issue in the above case is address found in the MCD Objection list for unauthorized construction in which Khasra No. is changed by complainant to avoid EDMC booking on the basis of forged/creating documents. The complainant contends that his property is in Khasra No. 54/2 where as the MCD Booking is Khasra No. 54/1. This is self-generated no. as the chain of title document establishes that the father of booked premises owner is Tek Ram who is mentioned in the title document.

The site report also suggests that the applied premises are booked premises. Therefore, the contention that the applied premises are 300-400 meters away from the booked premises is highly misconceived and false and has been concocted.

Complaint No. 336/2024

3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the MCD list provided by MCD clearly shows that the booked building/ premises is of 3000 sq. yards as mentioned in the remark column as 'u/c in shape of GF with projections on Mpl land (area = 3000 sq yards approx.) having address Kh. No. 54/1, E-2, block 5th pusta Sonia vihar, in the name of Sh. Prabhakar, where as the complainant's plot size is only 40 sq yards which is clearly evident from the property papers submitted by the complainant.

Rejoinder also states that regarding wrong property address mentioned in the GPA, it is cleared that the complainant is owner of E-2/168-B out of Khasra no. 54/2, area measuring 40 sq yards and in the GPA the Khasra no. was inadvertently mentioned as 54/1 instead of 54/2. The same is now corrected and Khasra no. 54/1 is approx 200 meters away from his property. Thus he has no link with booked property. Rejoinder also submits that the OP has recently issued an electricity connection in May 2024 in the name of Pushpanjali, vide CA no. 154438898 having address E-2/18, Khasra no. 54/2, E-block.

During the course of hearing, both the parties were directed to conduct joint site visit and as per the joint site visit report it is cleared that the booked property is different from the property of the complainant.

4. Heard arguments of both the parties at length.
5. From the narration of facts and material placed before us we find that the application of the complainant for new connection was rejected by OP on grounds of MCD booking.

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CGRF (BYPL)

Complaint No. 336/2024

From the perusal of the Inspection Report and the MCD booking list, it is clear that the property of the complainant is having Ground + two floors over it whereas the booked property is only in the shape of Ground floor. Moreover, the plot size of the complainant is only 40 sq yards whereas the booked property is of 3000 sq. yards.

6. It can be seen from the documents that MCD booked the property against Sh. Prabhakar on 17.06.2021. Sh. Prabhakar is the son of Sh. Tek Ram. The complainant has submitted a GPA dated 24.07.2008 wherein Sh. Mahesh s/o Lt. Sh. Parbhu has transferred a piece of land measuring 500 sq. yards situated in 5th pusta, Sonia Vihar to Sh. Chatar Singh, S/o Lt. Sh. Tek Ram and in the west of this plot Sh. Chatter Singh already had a plot of land as shown in GPA. Now the said Chatar Singh on 29.10.2021 i.e. after MCD booking has transferred 40 sq. yards property to Smt. Rajwati w/o Sh. Mahesh Chand. While the GPA dated 29.10.2021 shows the property situated in Kh. No. 54/1, the complainant produced one more GPA dated 27.10.2023 showing this property to be situated in Kh. No. 54/2. In order to create more confusion none of the GPA dated 27.10.2023 or 29.10.2021 gives the exact description of the built up property. It says- "built up property, upto ceiling level, out of consisting of according to the site, with the whole of its structure, alongwith fittings and fixture thereon, with upper construction rights upto the last storey" which is vague description and does not reveal any information above the property. None of the GPA is registered with the Revenue Authorities.

In the application addressed to the BM, Karawal Nagar, Delhi on 29.11.2023, the complainant has informed that She had purchased a vacant plot out of the agricultural land. Neither the complainant nor the OP has produced any document showing the permission of the competent authority for changing the land use from the agricultural to

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Secretary
CGRF (BYPL)


4 of 5

Complaint No. 336/2024

In view of this fact and the facts given in above paragraph, it is clear that the construction of property is against the Municipal bye-laws and the documents have been forged to create a chain of property transfer for getting the electricity connection in violation of DERC Regulations.

7. The CEO of BYPL will enquire as to how an electricity connection having CA no. 154438898 was released in May 2024 as alleged by the complainant, ignoring the MCD booking.

ORDER

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

The OP is directed to comply with the order in para-7 in 21 days.

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)


(S.R. KHAN)

MEMBER (TECH.)


(P.K. SINGH)

CHAIRMAN

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CGRF (BYPL)