

C A No. Applied For
Complaint No. 139/2024

In the matter of:

Robin & Akansha MittalComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. Nishat Ahmad Alvi, Member (CRM)
2. Mr. S.R. Khan, Member (technical)
3. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Imran Ul Haq Siddiqi, Counsel of the complainant
2. Ms. Kavya, Mr. R.S. Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 10th October, 2024

Date of Order: 18th October, 2024

Order Pronounced By:-Mr.Nishat A Alvi, Member (CRM)

1. Present complaint has been filed by the complainants thereby alleging that they, vide request no. 8006677335 and 8006677339, applied for new connections on the second and ground floors respectively, of their premises no. 4573, Kucha bibi Gohar, charkhewalan, Chawri Bazar, Delhi-110006. The said requests of the complainant, for new connections, were declined by OP thereby alleging that the subject property is booked by the MCD for unauthorized construction.

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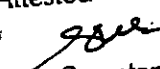
Secretary
CGRF (BYPL)

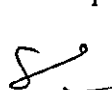


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It is also alleged that OP has also taken an additional objection with respect to the request of complainant no. 2 that there already exist an electricity connection. As per complainants the said grounds, on the basis whereof the connections are not released by OP despite completion of all formalities and submission of necessary documents, are false and frivolous. Complainants have prayed for the release of the new connections as well as the penalty.

2. In reply to the complaint, OP, by filing its reply alleges that the site was visited and it was found that the building structure consists of basement + ground + four floors over it. The 4th floor has a tin shed. The building is a commercial building and property numbers 2457 to 2473 are joint properties. There is an electricity connection vide meter no. 35928221, which is being used in the whole building. Total six electricity connections exist in applied building out of which one is registered for 1st floor. The reply has given details of all the six connections further explaining that out of all the six connections there is only one connection in use of the building which does not mention any floor. Regarding rejection of the request for the connection, reply states that the same were rejected on account of MCD objection with additional objection of existence of a connection on the GF where complainant no. 2 has applied. With respect to the MCD objection reply also referred letters bearing no. 405/SE/C-SPZ/2022 dated 13.10.2022 and 443/SE/C-SPZ/2022 dated 18.11.2022. As per this letter at sl. no. 3 of the objection list this property is booked for unauthorized construction carried out on the entire basement, GF, 1st to 3rd floors with the projection on Municipal Land. Reply further states that against MCD objection aforesaid complainant have submitted regularization slip and map.

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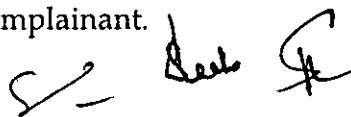
  

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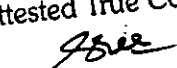
As per which the building is regularized for its structure consisting of basement +ground +three floors. Thus, as per said slip/map itself there is unauthorized construction at the subject building as it has one tin-shed floor in access of structure regularized by competent authority. Further, regularization is also objected to alleging that as per information available on official portal of MCD the Architect who has prepared the Map is debarred by the MCD. Alleging violation, of the concerned Regulations as well as of the undertaking given by the applicants and justifying the rejection, OP states that the connection can be given only on the submission of either the NOC or BCC from the MCD.

3. In rejoinder to this reply, denying any said 4th floor complainant states it is an open tin-shed/jaal only over the third floor. Regarding the meter no. as referred in reply as existing, rejoinder states that the said connection belongs to the FF of the building and GF has no concern with it that too is not in use and the OP can remove the same itself. OP's objection that there is a fourth floor while MCD regularized the building only upto third floor is also denied in rejoinder stating that a mere open tin-shed/Jaal over third floor can't be said a built up floor. Rejoinder also denies alleged debarring of the Architect who got the said construction regularized.

Both the parties in support of their respective contentions have placed on record the supporting documents i.e. Deficiency letters dated 04.12.2023 Regularization letter dated 27.10.2023, Receipt for the amount paid as compounding fee to the MCD and photograph of open tin-shed/jaal over third floor, by the complainant.






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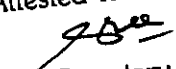
On the other hand OP has placed on record copy of its IR, MCD booking letter dated 13.10.2023 along with list of the booked premises, copies of the bills of the connections as installed in the subject building and list of the debarred Architects.

4. Heard and perused the record.
5. As per pleadings the request of the new connections was for NX category and the same were rejected by the OP only on two grounds firstly the subject building is booked by the MCD for unauthorized construction and secondly already there exists a connection on the GF i.e. applied floor of the building. So far as the objection of existence of the alleged connection is concerned, perusal of the bill on record, of this connection does not show any floor of this building while as per complainant said connection belong to first floor and at present the same is also not in use even there. We don't find any rebuttal of OP to this assertion of complainant. Regarding MCD booking, perusal of MCD letters dated 13.10.2022 and 18.11.2022 and attached list, shows that entire basement, GF, 1st Floor, 2nd floor and 3rd floor of premises no. 4572-A and 4573, Kucha Bibi Gouhar, Charkhewalan, Delhi-110006 were booked for unauthorized construction with projection on Municipal land. The complainant nowhere denies this booking but says that the same has since been regularized vide letter dated 27.10.2023 after they paid a compounding fee of Rs. 7,20,900/- Payment slip whereof is also on record. OP, though verified this regularization letter as duly issued by the MCD, alleges vague discrepancies in the regularization letter further alleging that this regularization is made at the behest of the Architect who is debarred.

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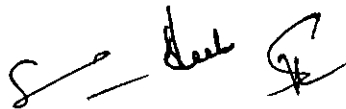
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However, despite filing list of de-barred Architects OP has not specified the name of the said Architect and the date on which he/she was debarred and at what sl. no., the said Architect is shown debarred. On the other hand we find that the said regularization letter has been issued by the MCD under the signature of its AE (Building). Regarding the OP's statement of building comprising of basement + ground and four floors over it admittedly only three floors and over the third floor there is a jaal and we don't find any substance in OP's assertion that this Jaal may be considered as 4th floor.

6. On the basis of aforesaid discussions we find that there is no connection existing on GF whether in use or not. Regarding MCD objection, the building is constructed only upto third floor and the jaal over it can't be considered as 4th floor. This building has since been regularized vide duly verified as valid regularization letter dated 27.10.2023 duly signed by an authorized officer of MCD.
7. Therefore, we don't find any justification in the action of OP to reject the request of the complainants for new NX connections on the allegation of MCD booking and the existence of a meter which OP has failed to prove.

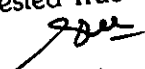
ORDER

Complaint is allowed with the directions to the OP to release the new NX connections as applied for, by the complainants vide request nos. 8006677339 and 8006677335, on the ground and second floors respectively of premises no. 4573, Kucha Bibi gauhar, Charkhewalan Chawari Bazar, Delhi-110006, after getting the required commercial formalities completed from the complainant. No order as to penalty.



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This Order shall be complied within 21 days of the receipt of the certified copy or from the date it is uploaded on the Website of the Forum; whichever is earlier..


The parties are hereby informed that the 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 finality..

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


(H.S. SOHAL)
MEMBER


(NISHAT A ALVI)
MEMBER (CRM)


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

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