

C A No. Applied For
Complaint No. 315/2024

In the matter of:

Samar JahanComplainant

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 alongwith complainant
2. Mr. Akash Swami, Mr. R.S. Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

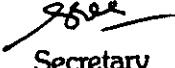
Date of Hearing: 24th September, 2024

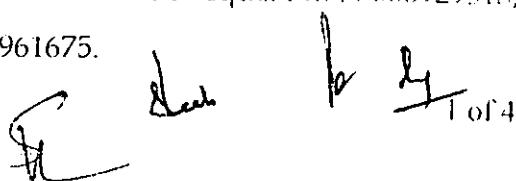
Date of Order: 01st October, 2024

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

1. Present complaint has been filed by the complainant thereby alleging that she applied for four electricity connections to be installed in her premises bearing no. E-17, Gali No. 4, West Vinod Nagar, Delhi-110092, on its GF, FF, 2nd F and 3rd Floors vide request no. 8006929518, 8006961677, 8006961678 and 8006961675.

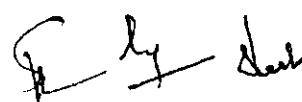
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CGRF (BYPL)


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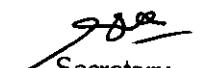
The said connections have been rejected by the OP on two grounds namely the subject property is booked by MCD for unauthorized construction thereon and secondly a temporary meter bearing no. 35870532 already exists at the applied premises. As per complainant the first ground of MCD booking is false as her property is not booked by MCD. With regard to the second objection of existence of a connection, the complainant states that it is a temporary connection taken by her for construction and she is ready to surrender the same before the permanent connections as requested for granted.

2. In response to the complaint, OP by filing its reply alleges that the applied site is reflected in MCD portal for illegal construction as referenced in objection list vide letter no. 240/B dated 04.08.2017. Reply also states that already a temporary meter is existing at applied site. Reply also states that the complainant's contention that her premises is booked by the MCD is vague and unsubstantiated averment and not supported with a valid BCC, while the said premises are shown booked at sl. no. 14692 of the MCD portal. The reply states that the applied connections cannot be granted since the same is in violation of provisions of DERCS Supply Code 2017 and the same can be processed only if the complainant removed the said deficiencies.
3. In rejoinder to the reply reiterating the contents of the complaint, the complainant specifically denies the fact of booking of the applied premises in the year 2017, alleging that her premises were constructed only in the year 2023 for which she applied and got a temporary connection from the OP itself. Rejoinder further states that OP has not even placed on record any alleged letter of MCD vide no. 240/B dated 04.08.17 in support of alleged booking but shown only one screenshot showing the booking.



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Even otherwise there are several buildings having same address. As also shown at page no. 7 of the IR of OP itself. Regarding existing temporary connection in her name rejoinder states that the complainant is ready to surrender the same.

4. In support of their respective contentions the complainant has placed on record deficiency letter while OP has placed on record its IR as well as bill of temporary connection in the name of the complainant.
5. Heard and perused the record.
6. Going through the pleadings as well as after hearing the arguments on behalf of both the parties, issue of temporary connection no more survives as complainant has already offered to surrender the same. Regarding MCD booking we have to consider certain facts i.e. the premises shown as booked in MCD as per the snapshot consists of GF & FF only while the premises of the complainant is having G+3 floors over it. Another fact we have to consider is that the booking is of the year 2017 while the subject premises was constructed in the year 2023 itself for which OP has also granted a temporary connection in the year 2023 itself. As also shown by the K.No. file placed on record for temporary connection as well as the bill of the temporary connection wherein date of energization is shown as 08.09.2023. We have also gone through page no. 7 of IR which also show a number of properties in the name of different owners bearing same property no. in different names of West Vind ^o Nagar, i.e. Gali No. 1, Gali No. 7, Gali No. 3, Gali No. 4 and without showing any gali. We also find that despite so many opportunities to OP, OP has failed to place on record the alleged letter of MCD booking as well as the list there with. The only record placed by the OP a simple list showing booking without any authentication on behalf of MCD or alleged letter of MCD.

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7. On the basis of above said findings OP has failed to prove that the applied premises are booked by MCD. Hence, the rejection of the request of the complainant for new connections aforesaid is without any due justification concrete basis. Therefore, the complainant is very much entitled for the connections applied for only after the existing temporary connection is surrendered by her.

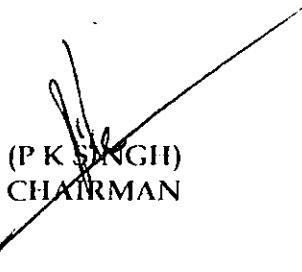
ORDER

OP is directed to grant/install the connections applied for by the complainant vide request no. 8006961675, 8006929518, 8006961677 and 8006961678 in her premises on its GF, Ff, SF and 3rd F respectively just after the complainant surrenders the existing temporary connection vide meter no. 35870532 and after completion of all commercial formalities as per DERC Supply code 2017.

OP is further directed to file compliance report within 21 days from the date of this order.

No order as to the cost. Both the parties should be informed accordingly.
Proceedings closed.


(S.R. KHAN)
MEMBER-TECH


(P.K. SINGH)
CHAIRMAN


(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER

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