



C A No. Applied For
Complaint No. 128/2024

In the matter of:

Satish Kumari

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. S.R. Khan, Member (Technical)

Appearance:

1. Mr. Rizwan Ahmad, Representative of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht & Ms. Chhavi Rani, On behalf of BYPL

ORDER

Date of Hearing: 16th May, 2024

Date of Order: 27th May, 2024

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

1. This complaint has been filed by Mr. Parmod Srivastava against BYPL-Laxmi Nagar. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connections vide request no. 8006676292 and 8006671566 at back side of Ground floor and first floor of premises no. A-41, New-539, Guru Nanak Gali, Mandawali, Fazalpur, Delhi-110092, but respondent rejected the application of the complainant for new connections

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Secretary
CGRF (BYPL)

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on the pretext of "Existing Address mismatch, address appearing in MCD List and dispute at site", which is wrong as the address in MCD list is different than his address. Besides the floors shown in the booked building are upto third floor, while complainant's building is constructed upto fourth floor. On fourth floor also OP has installed an electricity connection in this building despite alleged booking.

2. OP in its reply briefly stated that the present complaint has been filed by the complainant seeking new electricity connections at Ground floor and first floor of property no. 539(old no. A-41), Guru Nanak Gali, Mandawali, Fazalpur, New Delhi-110092. The subject premises were inspected and it was found that the premise was booked by the MCD for unauthorized construction in the form of GF, FF, SF and TF vide letter from MCD no. EE(B)-II/Sh(S)/2023/D-47 dated 21.04.2023. In the said list at serial no. 7 there is reference of booked property bearing no. 539 Guru Nanak Gali, Mandawali, Fazalpur. During the site visit it was found that the subject property consists of Ground +4. At the subject property one temporary connection bearing no 351338941 existed which was granted in terms of application dated 03.09.2022 for property then addressed as A 539 Guru Nanak Gali, Kh. No. 881, Mandawali, Fazalpur. Applicant surrendered the said connection on 21.12.2023. At present no connection exists at site. Now after MCD Booking applicant has altered the address from 539 to A-41 New 539 by which it is clear that the same property is numbered differently as such there is mismatch of address of previous temporary connection and the applied new connection and hence on the basis mismatch of address also no new connection can be granted. The site was again visited on 11.03.2024 and on revisit it was found that the left side building and right side building were numbered as 538 and 540. There is only one building numbered as 539 and such it is the applied building which has been booked by MCD.

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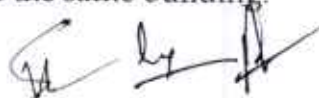
Secretary
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3. In response to the reply, the complainant filed rejoinder refuting therein the contentions of the respondent as averred in their reply and questioned the booking as to how a four floor building could be booked only till third floor and how OP released two connections in December 2023 on fourth floor after MCD booking on 21.04.2023. Therefore, he submitted that he may also be granted new electricity connections in his portion.
4. Heard both the parties and perused the record.
5. As per pleadings we have to consider three issues.
 - (i) Whether the exact number of applied building is A-41, New 539 or 539 only or not?
 - (ii) Whether A-539 on which temporary connection, since surrendered and 539 are one and the same numbers of the building or not?
 - (iii) Whether the building booked is the same as of the complainant's one or not?
6. Regarding issue no. 1, we have gone through complaint as well as Power of Attorney of the complainant which specifically shows that old no. of the subject property was A-41, which has now become as no. 539. Therefore, complainant's plea of mentioning both no's simultaneously has no sense and presently 539 is the premises no. of the subject property.

Regarding issue no. 2, Power of Attorney set itself shows that the seller shows her address as A-539, while this very property sold is shown as bearing no. 539. Thus both are one and the same property. This fact is also verified by complainant's own admission that there was a temporary connection by the address A-539 in this very building bearing no. 539. The visit report of OP further verified the fact that on left and right side of the subject building, are premises nos. 538 and 540. Therefore, the building in between will be only no. 539 and 539 and A-539 are one and the same building.

*for
Shamir*
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Regarding third issue, the number of applied building is confirmed as 539 and MCD list shows this very number as booked premises. So far as plea of complainant that how upto third floor only the building is shown booked, while it has four floors and how OP granted connections on fourth floor is concerned, we don't find any reasoning to go into its details as applied floor is third floor which prima-facie is shown booked.

7. So far as plea of disparity, basing on grant of connections on fourth floor, even if those connections are granted wrongly complainant can't be granted connections by committing another wrong.
8. In the facts and circumstances, we are of the considered view that the Actual Municipal no, of the premises the connection on the third floor where of is applied for, is 539 and A-41 was only old no. whereof. As per Municipal Record it is premises no. 539 itself which is booked upto third floor. Hence, any connection if granted on third floor shall be in-violations of concerned Rules/Regulations. Plea of OP of mismatch of address no more survives. Regarding deficiency of dispute at site OP has not pressed this issue. Neither there is anything on record in this respect.

ORDER

The complaint being not maintainable is hereby dismissed. The connection applied for can be granted only upon producing of NOC/BCC from MCD against its booking.

The case is disposed off as above.

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

Proceedings closed.

for
Ashwini
by
(P.K. AGRAWAL)
MEMBER (LEGAL)

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

(P.K. SINGH)
CHAIRMAN
27/5/2024