

C G R F



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

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SECRETARY'S OFFICE

C A No. Applied For
Complaint No. 53/2024

In the matter of:

Shabnam Bharti

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat A Alvi, Member (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. Ms. Ritu Gupta, Mr. R.S. Bisht & Ms. Chhavi Rani, On behalf of BYPL

ORDER

Date of Hearing: 06th August, 2024

Date of Order: 08th August, 2024

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

1. As per complaint, the complainant vide request no. 8006713888 dated 26.12.2023 applied, to OP, for a new electricity connection, on left side of Upper Ground Floor of premises no. 11/357, Lalita Park, Laxmi Nagar, Delhi-110092, owned by her. The said connection has been declined by the OP on false grounds and complainant has prayed for grant of connection.

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Secretary
CGRF (BYPL)

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2. In reply to complaint, OP alleges that upon request of said connection OP issued deficiency letter for the reason as the applied premises were found in the MCD objection list, the OP received from MCD vide its letter dated 07.02.2022. As per that letter the subject premises is shown booked at sl. no. 3 of the list of booked premises. The said premises are shown booked due to unauthorized construction in the shape of stilt, GF, FF, SF with projection of Mpl. Land.

Reply also states that on OP's re-visit of the applied premises, on 06.02.2024, it was found that

- i) subject building consists of ground plus four floors over it.
- ii) There is no other building in Gali No. 11 by premises no. 11/357, Lalita Park, except the subject premises.
- iii) MCD booked premises and applied premises are same.
- iv) Dues at site.

The details of the dues as given by OP is as follows:

S.No.	CA No.	Amount (In Rs.)	Registered Consumer	Floor
1.	15068936	7602.00	Arif Mohd Qureshi	GF
2.	100972102	1491.00	Prithi Raj	GF
3.	100961999	63297.00	Mohd Iqbal	SF FS Top floor
4.	100982269	40904.00	Mohd Safil	Top floor
5.	100991949	15325.00	Pramod	SF Front side
6.	101019834	13767.00	Pramod	Second floor

IT is also stated in reply that as per its record billing address of all above connections is given as 11/357C of aforesaid area. OP also states that at present 12 connections are already installed in the building having subject premises no. 11/357 aforesaid as follows:-

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S.No.	C.A. No.	Registered Consumer	Floor
1	101012282	Naushad Parveen	B/S floor
2	101019958	Mosarrat Nishat	Top floor
3	101021363	Nishat Parveen	Third Floor
4	101032962	Shahjhan Begum	SF back side
5	101069919	Sayed Zohar Abbas	UGF Back side
6	150202613	Shabnam Bharti	GFL/s
7	151189339	Anisha Malik	Upper ground floor
8	151325465	Shahina Parveen	F/S
9	101100382	Sarwat Jamal	Third floor
10	100958436	Meena Gupta	First floor R/s
11	100962033	Imran Mohammad	First Floor B/s
12	100982318	Ashok Grover	Ashok Grover

In the application form for new connection complainant has undertaken that the building is constructed as per prevalent building bye-laws, which is false as the building is booked by MCD, against which she has to submit NOC or BCC. Besides, as per Regulation 10 and 11 of Supply Code of 2017 for new connection clearance of all dues is a precondition.

3. In rejoinder to reply complainant has denied objections of OP in as much as the subject building is an old building wherein already 12 connections has been installed by OP between years 2002 to 2014. Thus the question of booking the same never arises as till 2014 building was already constructed while alleged booking pertains to the year 2022.

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Rejoinder further states that the booked premises is a part of premises no. 11/357 of aforesaid area which is different than the building of applied premises.

Regarding dues rejoinder states that those connections are of different premises than applied premises. Even floor, shows by OP of the connections having outstanding, is not Upper Ground floor but other floors. Not only this if we tally walking sequence of the connections in the building of applied connection those are different than of the connections having outstanding dues. Hence, complainant can't be held liable to pay the outstanding dues.

4. In support of their respective contentions complainant has placed on record deficiency letter, GPA, Affidavit, photograph of premises, bills of connections installed in the year 2007, 2010 and 2014, in the subject premises. On the other hand OP has placed on record-MCD letter with list of booked premises, revisit reports dated 06.02.2024 and 10.06.2024, IR and bills of connections installed in premises no. 11/357, 11/357C and bills of disconnected connection.
5. Heard and perused the record.
6. Going through deficiency letter OP raised three deficiencies a) N/F meter existing, b) MCD booking (C) dues at site. In its reply, we find that first objection is not pressed by OP. Regarding objection of MCD booking, if we peruse the MCD list we find that MCD has booked a premises bearing no. 11/357 (part), Gali No. 11, Lalita Park, Laxmi Nagar, due to unauthorized construction in the shape of stilt + UGF + FF + SF + TF with projection on Mpl. Land.

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This entry shows that it was only part and not the entire of the premises no. 11/357 aforesaid which was booked and this premise was booked due to unauthorized construction on 03.01.2022. But as per the bills placed on record we find that the applied building has already got connections upto third floor till the year 2014. Meaning thereby in the year 2014 building was already constructed and there might not be any construction legal or illegal in the year 2022, so as to book the same. Moreover, we find that booking specifically demarcated part of the premises no. 11/357 being constructed unauthorisedly otherwise it could have simply said unauthorized construction in premises no. 11/357. Not only this, booking specifically shows Sardar Lalji Kharbanda (C.K. Associates) and Adesh Kumar as owner of the booked premises. If complainant's premises were to be booked her name would also have shown as its owner as she by way of GPA got its ownership in the year 2011 itself, while the booking is of the year 2022.

If we go through i.R. placed on record by OP, the IR itself verifies that MCD booking is suspected and the building is not a new building.

If we go through revisit report of OP dated 10.06.2024, it makes two contradictory statements firstly it says that it is an old building then it says it is booked building. How an already constructed old building can be booked for unauthorized construction. Revisit report shows only upto 4th floor without any stilt floor in the applied building while as per booking stilt is also shown in booked building. Earlier revisit dated 06.02.2024 also shows applied structure as G+4.

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Thus the two building can't be said to be the same. So far as OP's report that there is no other building by premises no. 11/357 aforesaid, we don't find any statement of complainant that there are more premises by this number than one. Consequently we find that the booked building and applied building are not one and the same buildings. Hence are two different buildings.

Regarding issue of dues, we don't find any dispute that applied floor is upper ground floor. If we go through particulars of connections having dues, we find that two connections are on Ground floor, three on second floor and one at top floor. None of these are on upper ground floor. Not only this OP's own record show that these connections are installed at premises no. 11/357-C, meaning thereby that there is also another part of premises no. 357. The fact that 357-C is different than applied premises is proved by OP's own record that on premises no. 357, there are installed 12 other connections, one of them being in the name of the complainant herself on the ground floor vide CA no. 150202613. Complainant specifically stated that walking sequences, of the connections having dues and connections in applied building are different. But there is nothing on record to deny the same. Hence, the dues do not pertain to applied premises.

7. On the basis of above said findings we are of the considered opinion that the building in which complainant has applied for the connection is not booked by MCD. We are also of considered view that the outstanding claimed by the OP does not pertain to applied premises of the complainant. Consequently both the grounds, for denying connection to the complainant on applied floor, the OP has failed to prove. Hence rejection of the said connection on these grounds is unjustified and arbitrary on OP's part.

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RF (1/24)

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ORDER


Complaint is allowed. OP is directed to release the connection, in the name of complainant, on the applied Upper Ground floor of premises' no. 11/357, Lalita Park, Laxmi Nagar, Delhi-110092, in pursuance of request no. 8006713888, after completing required commercial formalities as per Provisions of DERC (Supply Code and Performance Standards) Regulations 2017.


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

No order as to cost.


(S.R. KHAN)
MEMBER -TECH


(P.K. SINGH)
CHAIRMAN


(P.K. AGRAWAL)
MEMBER -LEGAL


(NISHAT A ALVI)
MEMBER-CRM

(H.S. SOHAL)
MEMBER

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