



C A No. Applied for
Complaint No. 160/2024

In the matter of:

Shahbaz Khan

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R. S. Bisht, Mr. Lalit & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 12th December, 2024

Date of Order: 16th December, 2024

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

1. The brief fact of the case giving rise to this grievance are that the complainant applied for a new electricity connection at premises no. 30 D, Third Floor, DDA Flats Shastri Park, Delhi-110053, vide request no. 8006830403. The application of complainant was rejected by Opposite Party on the pretext of Premises found in DDA Flat extended third floor meter not feasible, but complainant stated he has applied 3rd floor and his building height is low, therefore the objection of OP is not justified.

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CGRF (BYPL)

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2. The respondent in reply briefly stated that the complainant is seeking new electricity connection at 3rd floor of DDA Flat numbered as 30D, Shastri Park, New Delhi-110053, vide request no. 8006830403. The said application of the complainant was rejected on the ground that DDA flat sequence is till second floor i.e. 30-A, 30-B & 30-C. The third floor is not allotted by DDA and has in all probability constructed in an illegal manner. The complainant is relying on GPA dated 14.02.2023 executed by his mother Ms. Noor Bano in his favor. As per said GPA the mother acquired ownership of the subject flat by way of conveyance deed dated 25.01.2007 which is not placed on record. Ms. Noor Bano has also one electricity connection bearing CA No. 101378470 registered in her name for flat no. 30-C. Thus on the face of it the GPA placed on record cannot be taken into consideration as the executants there is not owner of the subject flat.

Reply further added that in DDA colony each unit is allotted by DDA as per its scheme of flats/units. As such in DDA colony connections can be granted only in flats/units as allotted by DDA and not in units/flats which are in existence apparently on account of unauthorized construction. There is no flat numbered as 30-D on third floor or any other floor. As such no electricity connection can be granted to flat bearing no. 30-D.

3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the complainant is the owner of the third floor of the property by virtue of GPA dated 14.02.2023 and he is in possession and occupation of the same since its purchase and the said property is constructed under building bye-laws and other flats in adjacent property with the subjected property have several connections released by the respondent company.

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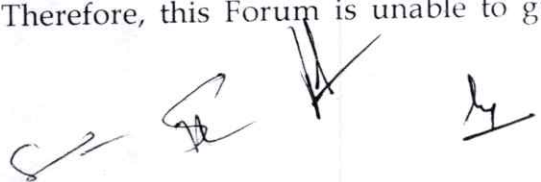
4. Heard arguments of both the parties at length.
5. From the narration of facts and material placed before us, we find that the complainant applied for new electricity connection on the third floor build on the property bearing no. 30D, DDA Flats, Shastri Park, Delhi-110053. In his support the complainant on record submitted **Conveyance Deed** dated 26.02.2001, executed by Smt. Farida in favor of Smt. Noor Bano in respect of 30-C, DDA Janta Flats, Shastri Park, Delhi-110053 allotted by DDA with the lease hold rights of the land vide file no. 184(25)/85/WG(H)/NP.

As per the said documents the complainant is attorney holder of the second floor only. The documents nowhere mentions whether the complainant has roof rights or not.

The complainant has constructed on the roof of flat no. 30-C but has not placed on record any approval from DDA for construction purpose.

OP's contentions are correct as premises no. 30-C is already electrified the new floor constructed on the terrace does not have any number allotted.

6. Therefore, in view of above we are of considered opinion that new connection as applied by complainant cannot be granted in the absence of proper documentation and approval from the concerned authority for construction of floor. Therefore, this Forum is unable to give any relief to the complainant.



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ORDER

The complaint is rejected. Complainant should file the approval and allotment number from the concerned department for release of new connection. OP should release the new connection to the complainant once the said formality is completed by the complainant along with other commercial formalities as per DERC Guidelines 2017.

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 Orders are not appealed against within the stipulated time or no interim stay thereon has been granted by the Ombudsman, 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


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K.SINGH)
CHAIRMAN

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