



C A No. Applied for
Complaint No. 147/2024

In the matter of:

Shazia

.....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)
4. Mr. H.S. Sohal, Member

Appearance:

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

ORDER

Date of Hearing: 22nd August, 2024

Date of Order: 27th August, 2024

Order Pronounced By:- Mr. P.K. Agrawal, Member (Legal)

1. The brief facts of the case giving rise to this grievance are that the complainant applied for a new electricity connection at premises no. E-144, 4th Floor, Double Story Quarter, Idgah Road, Sadar Bazar, Near Kabir Mandir, Delhi-110006, vide requests no. 8006674493. The application of complainant was rejected by OP on the pretext of MCD Objection, Unauthorized Construction, Architect Certificate required & Ownership dispute.

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2. The respondent in reply briefly stated that the present complainant has been filed by complainant seeking for a new connection at premises E-144, 4th Floor, Double Story Quarter, Idgah Road, Sadar Bazar, Near Kabir Mandir, Delhi-110006, vide requests no. 8006674493. The application of the new connection was rejected on account of unauthorized construction, Architect certificate and Ownership dispute. The subject property is in the list of unauthorized construction of MCD letter no. D-43/EE(B)-I/City SP Zone/2019 dated 09.05.2019 @ serial No. 17 & 18 which clearly states about the property no and floor where the connection has been applied and as such connection cannot be granted. The plea that the applied address is different has no relevance as the subject property is situated in unauthorized colony having no demarcated municipal number of the houses. It is only the MCD which can establish whether the subject premises fall under the list of illegal construction or not. Hence, MCD's NOC is required for sanction of connection. MCD objection list dated 09.05.2019.

3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the property of the complainant is not booked by MCD on account of unauthorized construction. The address mentioned as serial no. 17 & 18 is E-143-144, DDA Flat, Kabir Mandir, Idgah Road Delhi-110006 of the MCD list filed by the respondent which is quite different from the address of the complainant. As the address of the complainant is E-144, Double Storey Quarter, Idgah Road, Sadar Bazar, Near Kabir Mandir, Delhi, which opposite to the building booked by MCD. Complainant stated that he is ready to submit architect certificate if the respondent agree to release the connection of the complainant.

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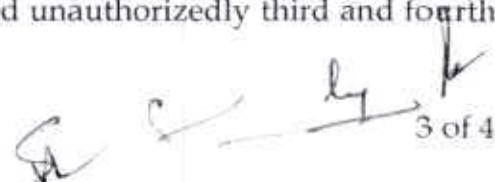
There is not dispute regarding ownership of the complainant property and respondent has not filed any proof regarding the same.

4. Heard arguments of both the parties at length.
5. From the narration of facts, material placed before us and pleadings of both the parties we find that the complainant applied for new electricity connection on fourth floor of double storey quarters at Idgah Road, Sadar Bazar. The said application of the complainant was rejected by OP on account of premises booked by MCD, unauthorized construction and ownership dispute.

In response to OP's objection, the complainant stated that his premises are not booked by MCD. The premises opposite to his property are booked by MCD. The complainant also denied other two objections of OP stating that neither there is any unauthorized construction in his premise nor there is any ownership dispute.

6. During the course of arguments, the complainant was asked whether any permission was taken from DDA for construction on third floor and fourth floor, to which neither any satisfactory answer was given by complainant nor is any document placed on record in support of the connection of the complainant.

Also, it is clear that the premises of the complainant are booked under Section 343 and 344 of DMC Act vide letter no. D-43/EE(B)-I/City SP Zone/2019 dated 09.05.2019 @ serial No. 17 & 18. This also proves that the complainant has constructed unauthorizedly third and fourth floor on the double storey flat.


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7. Regarding the objection of the complainant that OP has released many connections in the similar buildings in his area. In this regard Hon'ble Delhi High Court in the case of W.P. (c) 2453/2019 has held "However, merely because some of the occupants of the building have wrongly been given an electricity connection, it cannot be ground for the court to direct respondents' no. 2 and 3 to further compound the wrong act and direct granting of a new electricity connection to the premises of the petition which is located in the building whose height is more than 15 meters."
8. 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 concerned authority for construction of floor. Thus, this Forum is unable to give any relief to the complainant.


ORDER


The complaint is rejected. Complainant should file the approval and allotment number from the concerned department for release of new connection.

The case is dismissed off as above.

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


(H.S. SOHAL)
MEMBER


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN