
C A No. Applied for
Complaint No. 226/2023

In the matter of:

Sourabh Goyal

.....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. Sourabh Goyal & Mr. Sandeep Goyal, Complainant
2. Ms. Ritu Gupta & Mr. R.S. Bisht, On behalf of BYPL

ORDER

Date of Hearing: 20th July, 2023

Date of Order: 25th July, 2023

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

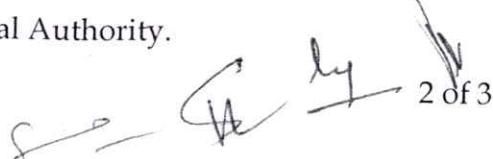
1. This complaint has been filed by Mr. Sourabh Goyal against BYPL-KRN.
2. The brief facts of the case giving rise to this grievance are that Mr. Sourabh Goyal, applied for new electricity connection vide request no. 8006132586 at premises no. 3262, Gurudwara, Gali No. 5, Dharam Pura, Gandhi Nagar, Near Guru Nanak Girls School, Delhi-110031 but respondent rejected his application for new connection on the pretext of MCD objection.

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3. OP in its reply briefly stated that the complainant is seeking new electricity connection vide request no. 8006132586 at GF, 3262 Gurudwara, Gali No. 5, Dharampura, Gandhi Nagar, Near Guru Nanak Girls School, Delhi-110031. OP rejected his application for new connection as applied premises was found in MCD objection list forwarded to respondent vide letter no. EE(B)Sh-I/2019/D-2375 dated 02.12.2019. The subjected property is mentioned at serial no. 44. As per the said list unauthorized construction is in the shape of u/c in the shape of two shutters at GF (GF & FF is old). Therefore, NOC or completion and Occupancy Certificate is required to be produced by the complainant
4. Representative of the complainant rebutted the contentions of the respondent as averred in their reply and submitted that Appellate Tribunal MCD vide its order dated 07.06.2022 has set aside the sealing order dated 06.12.2019 and EDMC was directed to de-seal the property in question. He also submitted a hand written letter signed by JE (Building) MCD stating therein that as per APMCD order dated 07.06.2022 the property number IX/3262A, Gali No. 5, Dharampura, Gandhi Nagar has been de-sealed in the presence of the owner.
5. LR of the OP submitted that the complainant has placed on record an order dated 07.06.2022 passed by Appellate Tribunal to claim that subject property stands de-sealed. From the said order it is apparent that the learned Appallate Tribunal had remanded the case back for fresh hearing and appellant was given date of 23.06.2022 to represent her case before Quasi Judicial Authority i.e. MCD. OP further added that the complainant has deliberately non filed on record the order dated 04.01.2023 passed by Quasi-Judicial Authority.

Attested True Copy


Secretary
GRF (BYPL)


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6. Heard both the parties and perused the record. From the perusal of evidence placed on record pleadings and after hearing both the parties it is transpired that complainant asked for new electricity connection vide request no. 8006132586 at premises no. 3262, Gurudwara, Gali No. 5, Dharam Pura, Gandhi Nagar, Delhi-31 which OP rejected on pretext of MCD booking. In this regard, the complainant placed on record MCD order dated 04.01.2023 vide no. EE(B)I/Sh/S/D-114 which clearly stated that "**however this demolition order hereby kept in abeyance as per the provision of National Capital Territory of Delhi Laws, (Special Provisions) Act, at this stage punitive action can not taken against construction over the property in question.**"

7. In view of this letter of MCD, we are of considered opinion that the new connection to the complainant should be granted provided the complainant will file an affidavit to the division office of OP stating that if in future MCD takes any action against the property then OP should be at liberty to disconnect the supply of the complainant.

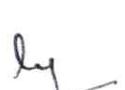
ORDER

Complaint is allowed. Respondent is directed to release the connection applied by complainant after completion of all the commercial formalities and after giving the undertaking regarding the fact that whenever MCD in future will take action against the illegal construction, OP is free to disconnect the new electricity connection.

The OP is also directed to file compliance report to this office within 21 days from the issue of this order.

The case is disposed 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