



**CA No. Applied for
Complaint No. 212/2024**

In the matter of:

Sushil Gupta

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P. K. Singh (Chairman)
2. Mr. Nishat A. Alvi, Member (CRM)
3. Mr. S.R. Khan, Member (Technical)
4. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Suraj Aggarwal, Counsel for the complainant
2. Ms. Ritu Gupta, Ms. Chhavi Rani & Mr. Akshat Aggarwal On behalf of BYPL

ORDER

Date of Hearing: 27th June, 2024

Date of Order: 03rd July, 2024

Order Pronounced By:- Mr. H.S. Sohal (Member)

1. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connections at premises no. D-1, F/F, Kh. No. 2/15, 16,3/19, 20, 21, 22, 10, 10/1, 11/45, 26 and 25/2, 11/15 Min Millan Garden, Mandoli, Delhi-110093, vide requests no. 8006813940 and 8006882939. The applications of complainant were rejected by Opposite Party (OP) BYPL on the pretext of No Wiring and applied address different from existing meter 55246672 and same site EDMC Objection pollution Unit and NX activity found at site, joint property document required.

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CGRF (BYPL)

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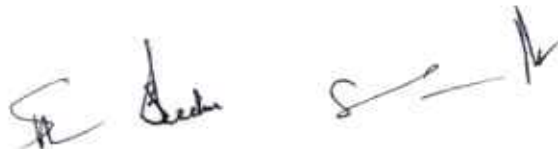
2. The respondent in their reply briefly stated that the complainant applied for two new electricity connections of the property no. D-1, F/F, Kh. No. 2/15, 16,3/19, 20, 21, 22, 10, 10/1, 11/45, 26 and 25/2, 11/15 Min Millan Garden, Mandoli, Delhi-110093, Vide request No. 8006813940 for domestic purpose for 1 KW and said application was rejected on account of no wiring exists, wrong applied address and same site MCD polluting objection. Thereafter, the complainant again applied for new connection on the First floor vide application no. 8006882939 at the same address and said application was rejected on account of joint property paper required Of D-1 & D-3, wrong applied address as First Floor instead of Ground floor (mezzanine) and same site MCD polluting booking unit was found. The site was inspected and the complainant showed the first mezzanine floor where only one room exists without wiring instead of the applied premises i.e the First Floor and complainant denied showing the portion on the first floor which was locked at the time of inspection. It was later found that the Building is fully commercial as at the ground floor, two shops exists and in the building scrap melting work was being carried out.

Further, in respect of the subject premises, one polluting booking was already found in the name of Sh. Shijadudin s/o Karimuddin who is the erstwhile GPA holder as per the GPA dated 05.06.2023 vide which the complainant claims to be the owner of the subject premises. The applied address is mentioned at serial no. 77 of the list bearing no. AO/FL/EDMC/2017/D-06 dated 23.05.2017 which was received on 06.06.2017. The site was re-visited and the complainant again failed to show the subject premises as he did not have the key of the locked premises i.e. the applied first floor.

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The observations made at the time of re-visit are that D1 & D3 are joint properties, total plot area measures 500 square yards approx and one NX Meter exists at the site having meter no. 55246672 registered for D3. The complainant is required to submit valid permission to operate a commercial/Industrial establishment in the said area i.e. a CTE from the DPCC. Further, the complainant is required to prove complete ownership documents of both D1 and D3 as both properties are joint properties and mention the correct floor at the time of seeking a new connection.

3. Rejoinder filed by the complainant refuted the contentions of the respondent as averred in their reply and submitted that complainant had applied for Mezzanine Floor only, but due to lack of knowledge inadvertently first floor was written in the application form. He also submitted that electrical fittings are also completed. Now again complainant has applied for Mezzanine Floor whose application no. is ONNNG0306241102. The kitchen is built on the mezzanine floor and the first floor and the first floor is also being used for labor accommodation. The list being given is of EDMC and is not clear due to which it is not known what is written in the letter but from the above list it is clear that the list is given by EDMC and is not related to pollution. The work being mentioned is done at D-3 address and for which even today the supply is being provided through CA No. 1521370018 (non-domestic).



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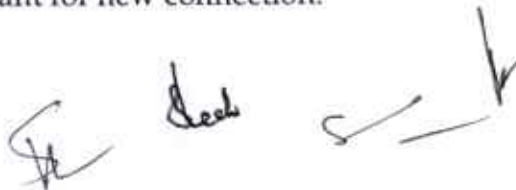

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4. During the hearing, OP has filed additional reply on 20.06.2024. The respondent in their reply reiterated their original reply and stated that the previous requests were also rejected on account of premises being found in MCD polluting objection list.

Therefore, in respect of the same, the complainant who has now applied for DX connection is required to submit an undertaking that no polluting work will be carried out at the subject site and the connection will be liable for disconnection if in future the complainant or the user of such connection is found carrying out any polluting work at site.

5. During the course of hearing on dated 27.06.2024, both the parties came to conclusion that the complainant is required to file an affidavit undertaking therein that no polluting work will be carried out at the subject site and the connection will be liable for disconnection if in future the complainant or the user of such connection is found carrying out any polluting work at site.
6. The complainant filed copy of affidavit as per the directions of the Forum.
7. In view of the above, we could not find any reason to reject the application of the complainant for new connection.



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ORDER

The complaint is allowed with direction to OP to release the new connection as applied for by the complainant after submission above said undertaking/affidavit by the complainant in the respective division office of OP and completion of other commercial formalities as per DERC Regulations 2017. The complainant is also directed to file original affidavit to the office of the OP.


OP should also file compliance report within 21 days from the date 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


NISHAT A ALVI
MEMBER(CRM)


S.R. KHAN
MEMBER(TECH.)


P.K. SINGH
CHAIRMAN

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