
C A No. Applied for
Complaint No. 310/2023

In the matter of:

Sushil Kumar AggarwalComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmed 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. Shaky R.S. Gupta, A.R. of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Mr. Deepak Verma & Ms. Chhavi Rani, On behalf of BYPL

ORDER

Date of Hearing: 19th October, 2023

Date of Order: 27th October, 2023

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

1. This complaint has been filed by Mr. Sushil Kumar Aggarwal against BYPL-NNG.
2. The brief facts of the case giving rise to this grievance are that Mr. Sushil Kumar Aggarwal, applied for new electricity connection vide request no. ONNNG3103230649, ONNNG3103230681 and ONNNG3103230665 at

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premises no. D-511, KH. No. 525, Ashok Nagar, Delhi-110093 but respondent rejected his applications for new connection on the pretext of MCD objection.

3. OP in its reply briefly stated that the complainant is seeking new electricity connection on ground floor, first floor and second floor at property bearing no. part of D-511, Gali No. 5, Kh. No. 525, Ashok Nagar, Delhi. The site of the complainant was visited and it was found that the applied premises were booked for unauthorized construction by the MCD. The application of the complainant was rejected vide deficiency letters which were issued to the complainant on 07.05.2023 for ground and first floor that premises are booked under MCD objection and for second floor a deficiency letter dated 09.05.2023 was issued as the request of the complainant was rejected at document part of mismatch in applied address and address in property documents. The applied address was found in MCD objection list vide letter no. EE(B)-II/SH(N)/2021/D-461 dated 09.04.2021. The subjected property is at sl. no. 30, as per the objection list circulated by MCD unauthorized construction is 'in shape of GF, FF, SF & raising TF with projection on Govt. land area 50 sq yards approx.

OP further added that notarized GPA dated 27.05.2020 placed on record by complainant executed by Ms. Meenu Jain in favour of complainant, subject property is described as under:-

"Buildup property bearing no. D-511(part), area measuring 59 sq yards consisting of three shops and one garage, one room, kitchen opposite on Ground Floor and first floor, one room without terrace right out of KH no. 525 situated in Abadi of....."

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As per the documents placed on record pertaining to grant of temporary electricity connection in favor of the complainant the subject property is described as D-511 and not as D-511 part, as is also apparent from E-stamp paper dated 27.05.2020. Also, this property and the property listed in MCD objection list are same.

4. Representative of the complainant submitted that as per DERC Regulation 11 (iv) licensee shall process the application for new connection, within the time frame as specified in Regulations. Further, in many more buildings which are booked by MCD, OP has released the new connections. The representative of the complainant also submitted that he is ready to file affidavit in this regard. He also submitted that his property is not Red Stamped for an unauthorized construction by competent authority as well as no any land encroachment on public land or traffic obstruction.
5. LR of the OP submitted that premises of the complainant have been booked by MCD and for release of new electricity connection the complainant has to file BCC or NOC from MCD department.
6. There was some mis-happening with the representative of the complainant which turned into delay in disposal of the case by the Forum.
7. This Forum is of the view that there is unauthorized construction on the address of the complainant as reported by MCD which has not been removed by the complainant. Completion cum occupancy certificate should be presented by the complainant for release of new connection.

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8. The complainant has emphasized on the fundamental rights for claiming electricity connection. However, Hon'ble Delhi High court in case of Parivartan Foundation Vs. South Delhi Municipal Corporation & Others W.P. (c) 11236/2017 dated 20.12.2017 has laid down that
 3. The BSES Rajdhani Private Limited and the Delhi Jal Board shall ensure that no connections are provided and water and electricity is not supplied to the buildings constructed in violation of law.
 4. In case, the connections have been given to the buildings constructed in violation of law, appropriate steps in accordance with law shall be taken regarding those connections.
9. In view of the fact that the complainant has failed to produce the genuine/correct Completion Cum Occupancy Certificate issued by MCD North Zone and, especially in view of the directions of the Hon'ble High Court in Parivartan Foundation case, the Forum is of the view that OP has rightly rejected the electricity connection to the complainant.
10. 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."

[Handwritten signatures and initials]

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[Signature]
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CGRF (BYPL)

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ORDER

The complaint is rejected. The Respondent has rightly rejected the application of the complainant for new connection.

The case is disposed off as above.

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


(S.R. KHAN)
MEMBER-TECH

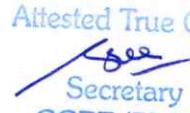

(P.K. SINGH)
CHAIRMAN


(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM

ON LEAVE
(H.S. SOHAL)
MEMBER

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