

C A No. Applied For
Complaint No. 250/2024

In the matter of:

Umme Sumaiya

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

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

ORDER

Date of Hearing: 12th November, 2024

Date of Order: 21st November, 2024

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

1. The brief facts of the case giving rise to this grievance are that complainant Umme Sumaiya applied for new electricity connections under domestic category vide request no. 8006813521, 8006813536, 8006813553, 8006818959, 8006818965 and 8006810610 at her premises no. R-244, J-block, Extension, Gali no. 11, Old Plot No. J-15/1, Ramesh Park, Laxmi Nagar, Delhi-110092. Complainant further submitted that her applications for new connections were rejected by OP on the ground that the applied building is appearing in MCD list, projection on MPL land and dispute at site.

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2. The respondent in reply briefly stated that the complainant is seeking new electricity connections for various floors, applied vide request no. 8006813521, 8006813536, 8006813553, 8006818959, 8006818965 and 8006810610 at her premises no. R-244, J-block, Extension, Gali no. 11, Old Plot No. J-15/1, Ramesh Park, Laxmi Nagar, Delhi-110092.


On site visit it was found that the building structure consists of the basement plus ground floor plus upper ground floor and three floors over it. Site inspection also shows that one connection bearing meter no. 55231839 was found installed at site.

Reply further added that the applied premises were found booked by MCD vide MCD letter no. EE(B)-II/SH(S)/2023/D-2050 dated 06.12.2023, mentioned at sl. No. 4. The booking mentions that unauthorized construction in the shape of deviation against SBP at basement, stilt, GF, FF, SF, TF and projection on MPL land.

It is also stated that on 20.03.2024, the complainant submitted Building Completion Certificate issued against request ID no. 10114655 dated 14.03.2024. Respondent sent BCC to MCD office for verification but till date there is no response from MCD. Further, the site plan filed along with Building Completion Certificate is not legible.

Reply also states that a Writ Petition bearing no. 11885/2023 titled as Naim Khan Vs MCD & Others was also filed which was disposed off on 06.09.2023, recording the submission of learned counsel of MCD that the subject property R-244, street no. 11, Ramesh Park, Laxmi Nagar, Delhi-110092 has been booked on 16.08.2023 and will be demolished.

3. Counsel of the complainant in rebuttal denied the contentions of the respondent as averred in their reply and reiterated his original complaint. Along with rejoinder the complainant submitted home loan documents from ICICI home finance, MCD property tax receipt dated 12.05.2022, sanctioned site plan and building completion cum occupancy

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4. During the course of hearing the complainant was directed to produce Architect Certificate and fees paid to MCD for issuance of BCC alongwith Affidavit. Mr. Naim Khan, who filed the case against the complainant in the Hon'ble High Court, was also called before the Forum to mark his stand in the present case. Mr. Naim Khan, gave his consent to release the connection in the name of the complainant
5. Heard arguments of both the parties at length and perused the record.
6. As directed by the Forum, the counsel of the complainant submitted an affidavit dated 15.07.2024, alongwith the affidavit he submitted copy of the completion fee receipt dated 14.03.2024 paid at MCD online portal for property no. R-244, old plot no. J-15/1, Recto o. 57, Killa No. 18, village Khureji Khas, Ramesh Park, Laxmi Nagar, Delhi-110092. He also filed an architect certificate stating that the height of the building from road level up to third floor is 15.0 meter approx and is accordance with the building bye laws.
7. From the perusal of the documents placed on record by both the parties, we find that orders of Hon'ble High Court dated 20.11.2023, clearly shows that property no. R-244, street no. 11, Ramesh Park, Laxmi Nagar, Delhi-110092 has been booked on 16.08.2023 and demolition order has been passed on 21.09.2023 and demolition action was also attempted on 18.10.2023 and 23.10.2023 but could not be taken due to want of police force. The action will be taken in terms of the demolition order within eight weeks after lifting of the graded response action plan restrictions.

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8. It is strange that after the above stated order of Hon'ble High Court, the complainant got Building completion certificate from MCD dated 14.03.2024, after payment of requisite fee (proof documents placed on record) MCD neither demolished the building nor made any mention in the BCC as to how MCD bypassed the order of Hon'ble High Court.. OP tried twice to confirm the BCC, but same is still pending for verification. It appears that MCD officials have issued BCC in violation of Hon'ble High Court which amounts to contempt of Court.


In view of the above, this Forum is not inclined to grant any relief. Hence, complaint is dismissed as above.

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 Order is not appealed against within the stipulated time, the same shall be deemed to have attained finality.

Any contravention of these Orders is punishable under Section 142 of the Electricity Act 2003.


(NISHAT A ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


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

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