



Consumer Grievance Redressal Forum  
FOR BSES YAMUNA POWER LIMITED  
(Constituted under section 42 (5) of Indian Electricity Act. 2003)  
Sub-Station Building BSES (YPL) Regd. Office Karkardooma,  
Shahdara, Delhi-110032  
Phone: 32978140 Fax: 22384886  
E-mail: cgrfbypl@hotmail.com  
SECY/CHN 015/08NKS

C A No. Applied for  
Complaint No. 430/2023

In the matter of:

Gaurav Kumar .....Complainant

VERSUS

BSES Yamuna Power Limited .....Respondent

Quorum:

1. Mr. P.K. Singh, Member
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. Neeraj Kumar, Counsel of the complainant
2. Mr. R.S. Bisht & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

Date of Hearing: 30<sup>th</sup> January, 2024  
Date of Order: 31<sup>st</sup> January, 2024

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

1. This complaint has been filed by Mr. Gaurav Kumar against BYPL-PHG. The brief facts of the case giving rise to this grievance are that Mr. Gaurav Kumar, applied for new electricity connection vide request no. ONPHG3110231347 at premises no. 9514, third floor, Gali Bhil wali, Tokri walan, Azad Market, Near Gali Bhil Wali, Delhi-110006 but respondent rejected his application for new connection on the pretext of application/ document incomplete/ not OK.

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CGRF (BYPL)

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2. OP in its reply briefly stated that the complainant is seeking new electricity connection on third floor at property bearing no. 9514, Gali Bhil Wali, Tokri Walan, Azad Market, Near Gali Bhil Wali, Delhi-110006. The complainant applied for new electricity connections vide application no. ONPHG3110231347, on the basis of ownership documents in the name of his deceased father. The said application was rejected at the documentation stage because of the following reason:-

- a) Mismatch between the applied address and address mentioned in GPA.
- b) For want of NOC and ID proof of the other legal heirs as per the surviving member's certificate.

Reply further added that the complainant re-uploaded the required documents against new order no. ONPHG1311230439/8006654963. After receipt of the said documents, the premises of the complainant were visited and it was found that the building structure consists of Ground + four floors over it. A meter having no. 35642738 against CA No. 152561794 under non-domestic category was found existing at site.

The said application of the complainant was rejected due to MCD objection for unauthorized construction and for payment of outstanding dues of CA no. 150261371 and CA no. 100472920 (disconnected). OP also added that the meter against CA No. 100472920 is not traceable.

OP stated that the subject building is booked by the MCD vide MCD letter dated 03.07.2018 bearing no. D-259/EE(B)/City-S.P. Zone/2018. The subject property is mentioned at serial no. 208 and the booking is in shape of unauthorized construction is in the shape of the entire ground to the third floor. The complainant is required to submit a BCC or a NOC in lieu thereof issued by the MCD.

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3. Representative of the complainant rebutted the contentions of the respondent as averred in their reply and submitted that the complainant purchased the premises no. 9514-15-16 third floor, Gali Bhil Wali, Tokri Walan, Azad Market, Near Sadar Bazar, Delhi-110006 on 14.09.2006 and is staying at the said premises since then. OP disconnected supply against CA No. 100472920 on account of non-payment of dues in the year 2016. He also stated that his premises are not booked by MCD and recently OP has released a new non-domestic connection vide CA No. 152561794 on 07.06.2018 in name of Sunita Jain.
4. 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. OP further stated that regarding the connection of Sunita Jain, the said connection was released on 07.06.2018 and the MCD booking list dated 03.07.2018 was received by them on 09.07.2018 i.e. after the release of the connection in the name of Sunita Jain. The premises booked by MCD are in shape of unauthorized construction at Ground floor to third floor.
5. 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 connection at property no. 9514-15-16 third floor, Gali Bhil Wali, Tokri Walan, Azad Market, Near Sadar Bazar, Delhi-110006. Respondent raised objection that the said property, is booked by MCD vide order no. D-259/EE(B)/City-S.P. Zone)/2018 dated 03.07.2018 at sl. no. 208. 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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DGRF (BYPL)

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We also observed that the sale deed dated 14.09.2006 placed on record by the complainant shows that the complainant became owner of the property no. 9514-15-16 of the third floor with its roof rights, bearing part of freehold built up property, bearing no. 9514, 9515 and 9516, built on land measuring 35 sq yards means that at the time of purchase of property by the complainant, the building was constructed upto 3<sup>rd</sup> floor and complainant became owner of 3<sup>rd</sup> floor with roof rights, there was no fourth floor in the year 2006, and same is constructed later. Also, there is address mis-match as the sale deed shows property no. 9514-15-16, whereas the complainant applied for new connection on 9514 only.

6. 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.
  
7. 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."

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GRF (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

  
(H.S. SOHAL)  
MEMBER

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