



C A No. Applied For  
Complaint No. 324/2023

In the matter of:

Hariom Tomar .....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)
4. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Suraj Aggarwal, Counsel of the complainant
2. Ms. Ritu Gupta & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER



Date of Hearing: 05<sup>th</sup> October, 2023  
Date of Order: 09<sup>th</sup> October, 2023

Order Pronounced By:- Mr. Nishat A Alvi, Member (CRM)

1. This complaint has been filed by Mr.Hariom Tomar, stating that he applied for new electricity connection vide request no. 8006427313, 8006427320 and 8006427328 at premises no. 366, FF, front side, Kh. No. 1ETC/8, Rajput Mohalla, Ghonda, Delhi-110053, but respondent rejected the application of the complainant for new connection stating that there is mismatch between address with OP and the applied address. The premises does not have separate dwelling units and the applied premises are under MCD objection.

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2. On notice, OP by filing its reply stated that complainant is seeking three fresh electricity connections with respect to the front, middle and back portions of the first floor of the property bearing no. 366, Kh. No. 1ETC/8, Rajpoot Mohalla, Ghonda, Delhi-53. The complainant applied vide application no. 8006427313, while application no. 8006427320 and 8006427328 are in the name of Mr. Love and Mr. Prakash Tomar who are the brothers of the complainant. But the complainant has filed no authority from them to apply as such on their behalf. As such, present complaint in respect of application no. 8006427320 and 8006427328 is not maintainable.

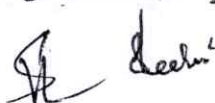
Besides, upon inspection OP found that the applied premises are booked for unauthorized construction by the MCD as per excel sheet available with OP. As no letter of MCD was available in the record of OP, OP issued mail dated 24.07.2023 seeking confirmation from MCD regarding booking of subject premises and further sought details of the person in whose name the booking was done. MCD vide its return mail dated 25.07.2023 sent following information.

257/B/UC/SH-N/I/2013 dated 24.07.2023	Owner/builder	366, Gali Rajput, Mohalla Ghonda, Delhi	u/c at GF and FF.
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Thus applied premises are book in MCD.

OP also states that further it was found that the applied premises/portions are not permanently divided into three portions as all the three portions have common entrance and wiring. As such there being no separate dwelling units no new connection can be granted. Thirdly, OP states that there is mismatch of applied address with address of existing connections having CA No. 150267743 and 101445750. Both of these connections are registered in the name of Sh. Madan Singh, bearing address as premises no. 365 of said area.

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As per the property documents filed by the complainant this is old number of these premises, whereas, CA no. 150267743 is shown installed in property no. 366 (old no. 365) complainant has sought connection in premises shown as bearing no. 366 aforesaid.

3. In rejoinder to Ops reply complainant reiterates of there being three separate portions on first floor aforesaid having separate entry and separate kitchen as per DERC Regulations. Regarding MCD objections rejoinder states that email sent by MCD to OP clearly states that booked property is different from that of complainant's. DERC in their amendment dated 16.06.2023 clearly stated that no NOC is required for release of connection in part portions. He also submitted that his premises are built since 2003 and MCD booking is of the year 2013 at ground floor and first floor. The connections installed at his premises are from 2003 and 2011 which also proves that the premises of the complainant are built since 2003.
4. Heard both the parties and perused the record.
5. As per record, OP rejected the application of complainant on three grounds. Firstly the premises of the complainant are booked by MCD. Secondly applied address does not match with its record and lastly no separate dwelling unit exists.
6. Going through the reply of OP we find OP's admission as to the fact that "no letter of MCD was available in the record of OP and information that the premises are booked by MCD is available only in the form of excel sheet. Therefore, by way of its email dated 24.07.2023 to MCD, OP sought confirmation of said booking further

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requiring the details of the person in whose name the booking was done. Vide its email-reply MCD confirming the booking stated that besides the information as reproduced in the email no other detail is available in the office of MCD.

7. Perusal of said email show that OP's query was "Please provide the confirmation following premises booked or not.

Also confirm the actual address and name of booked person because at site there are multiple premises with same address."

In reply MCD states

"As per available record details of booked properties are as under:-

257/B/UC/SH- N/I/2013 dated 24.07.2023	Owner/builder	366, Gali Rajput, Mohalla Ghonda, Delhi	u/c at GF and FF.
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No other detail is available with this office."

8. In this email first of all OP itself admits that it is not very much sure of the particular property booked, by stating that at site there are multiple premises with same number. OP was also not having knowledge of the person against whom this booking was done. This uncertainty is again confirmed by MCD vide its email by not providing name of owner/builder and which particular premises no. 366 is booked by it further stating that no other detail is available with this office. IR submitted also show the booking as suspected and construction as old one. Regarding mismatch of address Para-6 of reply of OP itself states that "CA No. 101445750 is registered for property no. 365 which is old property no. as per the property documents filed by the complainant, whereas CA no. 15026774 is registered for property no. 366 (old no. 365). The connection is sought for address 366".

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This itself shows that previously the applied premises bears no. as 365 which is now 366. So how there is mismatch of address. OP's its own bill bears both numbers being current as well as old number of same premises.

9. With respect to objection of separate dwelling unit complainant in its rejoinder offers to OP that prior to releasing connection OP is free to satisfy itself about separate dwelling units..
10. On the basis of the above discussions we don't find any merit in OP's contentions of booking and the mismatch of address as the same could not be proved by it. Regarding separate dwelling unit complainant himself offers to install the connection after confirming the same by visiting the premises.

ORDER


Complaint is allowed with the directions to the OP to install the electricity connections in three separate dwelling units in front, middle and back portion on First floor of premises no. 366, Kh. No. 1ETC/8, Rajput Mohalla, Ghonda, Delhi-110053, as applied for, after confirming by joint visit that three separate dwelling units as per Regulations concerned exists.

No order as to cost.


Compliance report within 21 days of receipt of this order be filed by the OP in this Forum.

File be consigned to Record Room.

  
(H.S. SOHAL)  
MEMBER

  
(NISHAT A. ALVI)  
MEMBER (CRM)

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

  
(P.K. AGRAWAL)  
MEMBER (LEGAL)