

C A No. Applied For
Complaint No. 456/2023

In the matter of:

Harmesh KumarComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Agrawal, Member (Legal)
2. Mr. S.R Khan, Member (Tech.)
3. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Rakesh Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Ms. Chhavi Rani & Mr. Akshat Aggarwal, on behalf of respondent

ORDER

Date of Hearing: 22th February, 2024
Date of Order: 29th February, 2024

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

1. The complaint has been filed by Mr. Harmesh Kumar against BYPL- Krishna Nagar. The brief facts of the case giving rise to this grievance are that Mr. Harmesh Kumar applied for new electricity connection vide request no. 8006649679 and 8006600823 at premises no. 39, S/F, Old Anarkali, Delhi-110051, but respondent rejected the application of the complainant for new connection on the pretext of energy dues against CA connection already exists and MCD objection.

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complainant alleged that 10 meters have already been installed on same property. Therefore he requested the forum to direct the respondent for release of new connection.

2. OP in its reply briefly stated that the complainant is seeking an electricity connection for the left portion on the second floor of the property bearing no. 39, Old Anarkali, Delhi-110051 vide request no. 8006600823 and 8006649679. At the time of site inspection, the following observations were made:

- a) The building structure consists of ground + 4 floor over it.
- b) A total of 9 dwelling units exist in the subject building.
- c) 9 electricity meters are installed at the subject building.
- d) On the ground floor one dwelling unit exists and a lift is installed.
- e) A 3- phase meter exists on the ground floor.
- f) Applied portion is effective third floor.

Thereafter, the application of the complainant was rejected on the following grounds:-

- a) It was found that the building is booked by the MCD vide letter bearing no. EE(B)-I/shah(S)/2018/D-2020 dated 08.08.2018. The subject building is mentioned at serial no. 51. As per the said list, unauthorized construction is in the shape of GF, FF, SF, TF, & IV floors.
- b) Additionally, outstanding dues of Rs. 48,978/- of CA No.- 150074887 which was registered in the name of Ms. Pushpa Rani are due and admittedly payable by the complainant.

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3. In response to the reply the complainant filed rejoinder stating therein that his building is old constructed and already there are nine connections installed in the said building since 2011, whereas MCD booking was done on 08.08.2018. He further stated that his building is old constructed thus on what basis BCC be issued by MCD. Representative of the complainant further stated that he has filed RTI in MCD and as per reply of MCD against the RTI building no. 39, Old Anarkali, Jagat Puir, Delhi-51 is booked in shape of Ground floor, first floor, second floor, third floor and fourth floor (occupied).
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.
5. Heard both the parties at length and perused the record.
6. This Forum is of the view that the property of the complainant is booked by MCD in the year 2018 and the connections installed in the building are since 2011. Therefore, Completion cum occupancy certificate should be presented by the complainant for release of new connection.
7. 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.



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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.
8. 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.
9. 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."


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.


(H.S.SOHAL)
MEMBER


(P.K. AGRAWAL)
MEMBER (LEGAL)


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

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