

C A No. Applied For
Complaint No. 65/2024

In the matter of:

Jyothis JimmyComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmad 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. T.c. Jimmy, Complainant
2. Ms. Ritu Gupta & Ms. Chhavi Rani, On behalf of BYPL

ORDER

Date of Hearing: 04th April, 2024
Date of Order: 08th April, 2024

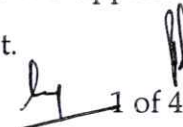
Order Pronounced By:- Mr. P.K. Agrawal, Member (Legal)

1. This complaint has been filed by Sh. Jyothis Jimmy, against BYPL-Paharganj. The brief facts of the case giving rise to this grievance are that complainant Sh. Jyothis Jimmy, applied for new electricity connection vide request no. 8006692786 at premises no. 111-D, 4th floor, LIG, DDA Flats, Motia Khan, Delhi-110055 but respondent rejected his application for new connection on pretext of connection already exist.

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Secretary
CGRF (BYPL)



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The complainant further submitted that he has applied for new connection on 4th floor, therefore the objection of OP is not justified.

2. The respondent in reply briefly stated that the complainant is seeking new electricity connection at 4th floor of flat numbered 111-D, LIG DDA flats, Motia Khan, Paharganj, Delhi-110055 vide request no. 8006692786. The said application of the complainant was rejected on the ground that meter bearing no. 1187932 already exists and connection on fourth floor is not feasible in DDA flats.

Reply further added that in DDA colonies each unit allotted by it has a separate number. In respect of subject property different floors in the same stack of the building are numbered as 111A, 111B, 111C and 111D, wherein 111D is in respect of third floor of the property. There is no fourth floor which is either constructed or allotted by DDA. The subject premises is a single unit which is already having one electricity connection in the name of the father of the complainant i.e. Mr. T.C. Jimmy having CA no. 151786511.

OP further stated that DDA flat as allotted by DDA is a single unit wherein only one electricity connection can be granted. The complainant got name change from Mohd Amin to his name and at the time of name change back chain was provided from which it is apparent that DDA allotment of flat no. 111D to Mohd Amin was in respect of third floor which is already electrified.

3. The complainant filed his rejoinder refuting therein the contentions of the respondent as averred in their reply and submitted that the premises for which electricity connection is sought is a separate dwelling unit. No provisions of DERC Regulations refrain granting of new connection. BYPL has already been allowing connections in DDA flats at fourth floor in various Divisions in Delhi area.

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Separate connection has already given to many houses in Motia Khan housing complex in general and two houses in the complainant's block in particular.


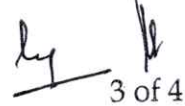
4. Arguments of both the parties were heard at length.
5. From the narration of facts and material placed before us, we find that the complainant applied for new electricity connection on the top floor build on the terrace of property bearing no. 111D, LIG Flats, Motia Khan, New Delhi-110055. In his support the complainant on record submitted **Special Power of Attorney and Registered Will** dated 02.02.1994, executed by Sh. Satish Kumar Wasan in favour of Sh. T.C. Jimmy in respect of top floor LIG flat no. 111D at Motia Khan, New Delhi allotted by DDA with the lease hold rights of the land vide file no. 51(131)91/MK/NP.

As per the said documents the complainant is attorney holder of the top floor only. The documents nowhere mentions whether the complainant has roof rights or not.

The complainant has constructed on the roof of flat no. 111D but has not placed on record any approval from DDA for construction purpose.

OP's contentions are correct as premises no. 111D is already electrified and the new floor constructed on the terrace does not have any number allotted.

6. Therefore, in view of above we are of considered opinion that new connection as applied by complainant cannot be granted in the absence of proper documentation and approval from concerned authority for construction of floor.

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Therefore, this Forum is unable to give any relief to the complainant.

ORDER

The complaint is rejected. Complainant should file the approval and allotment number from the concerned department for release of new connection. OP should release the new connection to the complainant once the said formality is completed by the complainant alongwith other commercial formalities as per DERC Guidelines 2017.

The case is dismissed 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