

**C A No. Appiled For
Complaint No. 41/2023**

In the matter of:

Mansoor EllahiComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Mansoor Ellahi, Complainant
2. Ms. Ritu Gupta, Mr. Shweta Chaudhary & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 28th March, 2023
Date of Order: 10th April, 2023

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

1. As per complaint, the complainant vide request nos. 8006023036 and 8006023062, both dated 17.11.2022 applied two connections of electricity in premises nos. at 1, GF, Makki Masjid, Mehaden, Mir Dard Road, behind LNJP Hospital, Delhi-110002 and 1, Narayana Hospital, Jamia Rahimia Delhi, Mir Dard Road, Mehdyan, Behind Jai Prakash, Delhi-110002 respectively, to OP.

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CGRF (BYPL)

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In response OP by issuing deficiency letters both dated 12.12.2022 raised following objections:

- a) Electric sub-station required-total cumulative built up area > 1000 sq.m
 - b) MCD's NOC or Completion and Occupancy Certificate required.
 - c) Energy dues against CA/meter
2. Written submission of OP stated that the dispute in respect of writ petition no. 15020/2021 is pending adjudication before Hon'ble High Court of Delhi.
3. During the hearing the site re-visit report dated 13.03.2023 was also presented by the OP in which it has been stated that there are 16 meters found inside campus of Makki Masjid and four meters on wall of Makki Masjid. Two meters having no. 35531975 and 11493993 exist at MakKi Masjid address. It was again emphasized that ESS is required for plot six is more than 1000 sq. meters.
4. One Abdul Waheed, S/o Lt. Fazruddin also filed his complaint to BYYPL on 28.09.2022 showing the dispute of the property. However, he filed an affidavit dated 27.03.2023, stating that he is not pressing any dispute or objection and he has no objection if new connections are granted to Makki Masjid and Jamia Rahimia. So, the issue regarding ownership of Makki Masjid structure remained unresolved.
5. Neither complainant nor the OP has clarified the subject matter of writ petition no. 15020/2021 pending adjudication before Hon'ble High Court of Delhi. Thus it is not clear what structures are un-authorized and what structures are authorized until and unless we go deep to probe the legality of each structure at Kabristan Mehdyan. The complainant has

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submitted a copy of resolution no. 5 dated 15.04.1983 of Delhi Waqf Board regarding Mutavalli ship of Kabristan Mehdiyan which does not contain any decision regarding the so called Makki Masjid. There are no board's resolution after 1983. It is also not clear how Mutawalli was appointed afterwards and whether he had any approval of competent authorities.

6. Complainant has not submitted nay details regarding registration of Masjid (Waqf) with Delhi Waqf Board which the Waqif & Others were required to register with Delhi Waqf Board under Section 36 of the Waqf Act 1995. He has also not produced the copy of details maintained by Delhi Waqf Board under Section 37 of the Waqf Act 1995, with regard to Makki Masjid, if any.
7. The complainant has not submitted any copy of MCD's NOC/completion cum occupancy certificate with regard to Makki Masjid where electric connection has been applied. The complainant has submitted that applications for new domestic connection made in 2018 and 2019 were rejected. The complainant has failed to satisfy the Forum as to how work was conducted/functions was held in the aforesaid Makki Masjid for the last 5 years without electricity. The complainant has also not clarified what ^{is} his relationship or interest in Makki Masjid structure and what is its legal foundation.
8. 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.
9. In view of the fact that the complainant has failed to prove the legality of his construction named as Makki Masjid 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.


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.


(P.K. SINGH)
CHAIRMAN



(S.R. KHAN)
MEMBER-TECH


(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM

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(H.S. SOHAL)
MEMBER