



**C A No. Applied For**  
**Complaint No. 137/2023**

**In the matter of:**

Uma Aggarwal .....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. Neeraj Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Mr. Deepak Verma & Ms. Shweta Chaudhary, On behalf of BYPL

**ORDER**

Date of Hearing: 08<sup>th</sup> June, 2023  
Date of Order: 12<sup>th</sup> June, 2023

**Order Pronounced By:- Mr. S.R. Khan, Member (Technical)**

1. Present complaint has been filed by Ms. Uma Aggarwal, against BYPL-NNG.
2. The brief facts of the case giving rise to this grievance are that complainant Ms. Uma Aggarwal, applied for new electricity connection vide request no. 8006164039 at premises no. C-92 A, Upper Ground Floor, Kh. No. 1/175, Gali No. 8, Jyoti Colony Delhi-110032.

Attested True Copy  
*[Signature]*  
Secretary  
CGRF (BYPL)

*[Signature]* *[Signature]* *[Signature]*

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It is also her submission that her application for new connection was rejected by respondent on account of premises appearing in EDMC objection list and meter already exists.

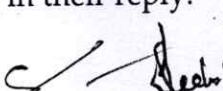


3. The OP in their reply briefly stated that the complainant is seeking fresh electricity connection for upper Ground floor at property bearing no. C-92-A, Kh. No. 1/175, Gali No. 8, Jyoti Colony, Delhi-110032. Complainant applied for new electricity connection vide application no. 8006164039 and site of the complainant was visited and it was found that building structure consists of ground floor plus upper ground floor plus first floor plus second floor plus third floor. In the said building already five connections are existing; as such no new connection can be given as premises are already electrified.

1. 11562652, third floor, domestic category
2. 11671847, second floor, domestic category
3. 70172286, ground floor, non domestic category
4. 11989334, non floor mentioned, domestic category
5. 35111652, no floor mentioned, domestic category

The address of the applicant did not match with the address as mentioned in the connections as detailed above. The connection at serial no. 3 is in the name of complainant showing address of the property as C-92/1. Ownership dispute also found at site. Also, applied address was found in MCD objection list. Electricity pole was found touching the building and hence there is improper clearance as per CEA safety rules.

4. The representative of the complainant rebutted the contentions of the respondent as averred in their reply.

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5. LR of the OP stated verbally that the premises of the complainant are booked by MCD in shape of excess coverage and deviation against the SBP no. 495/B/Sh-N/13 dated 05.11.2012 in the name of Sanjeev Aggarwal and Deepak Verma.


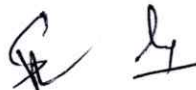
6. Heard both the parties and perused the record. From the perusal of evidence placed on record pleadings and after hearing both the parties it is transpired that complainant asked for new connection at upper ground floor of property bearing no. C-92-A, Kh. No. 1/175, Gali No. 8, Jyoti Colony, Delhi-110032, which was rejected on many grounds firstly, the building is ground plus four floors and already five connections are energized in the applied premises, second the applied premises are booked by MCD, thirdly there is a property dispute and the electricity pole was found touching the building.

During the hearing only the MCD objection was discussed, neither the counsel of the complainant nor OP raised other objections as per the reply of OP. thus, the other objections of OP are not considered.

Regarding the MCD objection, the premises of the complainant was booked by MCD in the year 2012 in the name of Sanjeev Aggarwal and Deepak Verma and the complainant has purchased the property in the year 2014 from Sanjeev Aggarwal and Deepak Verma. Though the premises were booked in the year 2013 and respondent has released new connections on third floor, second floor and ground floor in the year 2014 but have rejected the new connection to the complainant. Respondent stated that after the Hon'ble High Court of Delhi's order in Parivartan Foundation they have stopped releasing the new connections in the MCD booked premises.

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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.
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."

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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.


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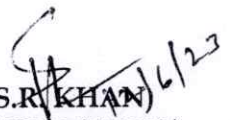
No order as to the cost. Both the parties should be informed accordingly.

Proceedings closed.

  
(H.S. SOHAL)  
MEMBER

  
(NISHAT A. ALVI)  
MEMBER (CRM)

  
(P.K. AGRAWAL)  
MEMBER (LEGAL)

  
(S.R. KHAN) 6/23  
MEMBER (TECH.)  
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Secretary  
CGRF (BYPL)