



C A No. Applied for
Complaint No. 119/2023

In the matter of:

Jugesh DuaComplainant

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. Neeraj Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. Imran Siddiqui, Ms. Shweta Chaudhary, Mr. Shubham Singh & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 25th April, 2023
Date of Order: 02nd May, 2023

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

1. This complaint has been filed by Mr. Jugesh Dua against BYPL-GTR.
2. The brief facts of the case giving rise to this grievance are that Mr. Jugesh Dua, applied for new electricity connection vide request no. 8005466594 and 8005493132 at premises no. 340/2/25, second floor and third floor, Gali no. 1, Friends Colony, Delhi-95 but respondent rejected his application for new connection on the pretext of MCD objection.

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CGRF (BYPL)

Secretary

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3. OP in its reply briefly stated that the complainant is seeking new electricity connection at second floor and third floor of suit property bearing no. 340/2/25, Gali No. 1, Friends colony Industrial Area, Delhi-110095 vide application no. 8005466594 & 8005493132. The application of the complainant was rejected vide deficiency letter which was issued to the complainant on 13.02.2023 and it mentioned that the applied address was found in MCD objection list vide letter no. EE(B)/SH(S)/2021/D-1990 dated 11.12.2021. The subjected property is at sl. no. 12, as per the objection list circulated by MCD unauthorized construction is 'in shape of hall, toilet etc at BM, GF, FF and SF with projection on MPL land. OP further added that there is one more list in which at serial no. 42, subject property is mentioned that building consists of basement plus ground floor plus three floors over it and is in Industrial Area. Regarding the BCC submitted by the complainant the same cannot be relied upon as in official portal of MCD the zone shown is Central whereas in respect of subject property zone has to be Shahdara North or South. Besides, the architect Amit Kumar Sharma stands debarred.
4. Counsel of the complainant submitted that as per DERC Regulation 11 (iv) licensee shall process the application for new connection, within the time frame as specified in Regulations. Further, in many more buildings which are booked by MCD, OP has released the new connections. The completion cum occupancy certificate submitted by the complainant is original. He further submitted that CGRF vide its order dated 09.01.2023 has ordered to release the new connection after taking under taking/indemnity bond from the complainant. Also, respondent has released two connections vide CA No. 153637624 dated 21.01.2022 and 153618618 dated 01.01.2022 on the same premises on same BCC Certificate.

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5. LR of the OP submitted that premises of the complainant has been booked by MCD and BCC submitted by the complainant is from Central Zone, whereas in respect of subject property zone has to be Shahdara North or South. Besides, the architect Amit Kumar Sharma stands debarred.
6. This Forum is of the view that there is unauthorized construction on the address of the complainant as reported by MCD which has not been removed by the complainant. Completion cum occupancy certificate presented by the complainant is in violation of MCD laws and bye laws, and hence cannot be accepted.
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.

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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.

Proceedings closed.


(NISHAT A. ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN

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