

CA No. Applied For
Complaint No. 74/2019

In the matter of:

Ritu MittalComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. Arun P Singh (Chairman)
2. Mrs. Vinay Singh, Member (Legal)
3. Dr. Harshali Kaur, Member (CRM)

Appearance:

1. Ms. Suman, Counsel of the complainant
2. Mr. Imran Siddiqi, Mr. Saheel Jallal & Mr. B.B. Sharma,
On behalf of BYPL

ORDER

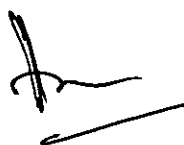
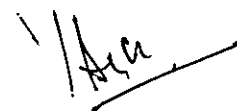
Date of Hearing: 14th February, 2020

Date of Order: 17th February, 2020

Order Pronounced by:-Dr. Harshali Kaur, Member (CRM)

Briefly stated facts of this case are that the complainant applied for a new connection at house no. D-204/A, Gali No. 8, 3rd Floor, Front Side, Jagat Puri, Shahdara, Delhi-32 vide application no. 8004114948, which the respondent company rejected on pretext of "address in MCD objection list, occupancy cum completion certificate is required."

1 of 4



Complaint No. 74/2019

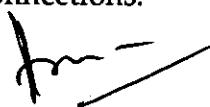
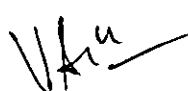
The complainant states that plot no. D-204, Jagat Puri was of 200 sq. yards, which was further sub-divided and she purchased 50 sq. yards flat at the third floor front side of the said property. She further states that EDMC has booked other property vide file no. 730/B-ii/UC/SH-N/2018 dt. 28.11.2018 in name of Raj Kumar Dhigan, Property no. D-204, Jagat Puri, Shahdara, Delhi-93, Ward No. 37E. She has annexed the copy of the same in her complaint.

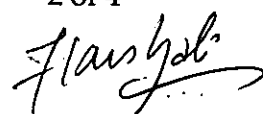
It is also her submission that connections vide CA NO. 152870109, 152869051, 152870110, 152870109, 152869051, 152870110 and 152869052 are released by the respondent despite of the EDMC notice. Therefore, she prayed the Forum to direct the respondent to release her new connection at the earliest.

Notice was issued to both the parties to appear before the Forum on 23.12.19. The complainant appeared with her counsel Ms. Suman on the date fixed. Mr. Achal Rathi and Sh. B.B. Sharma appeared on behalf of the respondent company.

The respondent company submitted their reply, a copy of which was supplied to the complainant.

It is pertinent to mention here that during the hearing dated 23.12.19; both the complainant and the respondent were directed to approach EDMC for 'No Objection Certificate' under RTI that this property, i.e. D-204 A, Jagat Puri, is not booked. It was directed that if the complainant submits the NOC from EDMC, the respondent should release the connection immediately after completion of all the commercial formalities as per DERC guidelines. Respondent was further directed to explain how they released the other eight connections in the same property D-204 B, Jagat Puri in the name of Sh. Lalit Sharma and submit the K.No. files of these connections.

2 of 4


Complaint No. 74/2019

On the next date of hearing the respondent submitted copy of disconnection notice issued to the other parties in the same building. The counsel for the complainant sought time for filing RTI reply.

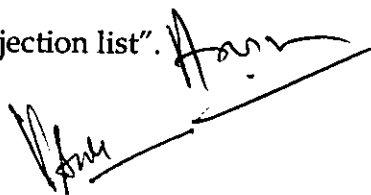
On hearing dated 27.01.2020, the respondent submitted that they have disconnected the connection of D-204 A, which was released in the month of July 2019, after giving 15 day's notice on account of giving false affidavit. The counsel of the complainant again sought time for filing the RTI reply.

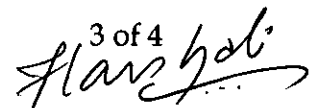
Since the Forum has already given the complainant sufficient time to file the required NOC or RTI reply; we thought it prudent to reserve the present complaint for orders after hearing both parties at length.

On perusal of the documents we find that the complainant sought new electricity connections which was denied by the respondent vide letter dated 6.12.19 as the complainant's address pertains to EDMC objection list.

The respondent company in their reply states that the complainant applied for six new electricity connections at the site premises old no. 204, Kh. No. 194 & 195 D-204-A, Gali No. 7, Jagat Puri, Mandoli Road, and Old-204, Kh. No. 194, and Kh. No. 194 & 195 D-204-A, Gali no. 8, Jagat Puri, Mandoli road, vide request no. 8004114923, 8004114313, 8004114312, 8004114948, 8004114951, 8004114918 dated 21.09.19.

The respondent further states that the requests for new connections were rejected due to the address of the premises for which the new electricity connections has been applied being in the objection list of EDMC unauthorized construction. The applicant was informed that the applied address is in MCD objection list, hence occupancy cum completion certificate is required, vide deficiency letter dated 07.10.19 and another letter dated 06.12.19 with the remarks as "address pertains to EDMC objection list".



3 of 4


Complaint No. 74/2019

Respondent further added that for grant of new connection the applicant has to submit an application format whereof is duly approved by DERC. As per the said format applicant agrees and undertake inter alia "that the building has been constructed as per prevalent building By-laws....".


Respondent also submitted that Hon'ble Supreme Court in a matter Viz W.P. 4677 of 1985 and Hon'ble High court of Delhi Viz W.P. 4349 of 2017 directed inter alia that the property if found to be booked as unauthorized construction, the Discom is under the obligation to disconnect the electricity or not to grant new connection unless cleared from the respective public authorities such as EDMC, DPCC etc.

We have carefully perused all the documents placed on record by both parties and have also considered all aspects of their verbal averments made before us.

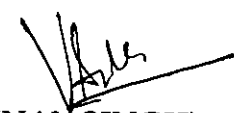
The complainant is still in the process of getting the clearance certificate from the EDMC in regard to the premises under objection. Therefore, we direct the respondent to release the connection of the complainant as soon as she submits to the respondent the NOC after completing all requisite and commercial formalities as per DERC guidelines.

The case is therefore disposed of with no order as to cost. A copy of this order be sent to both the parties and file be consigned to record room thereafter.

The order is issued under the seal of CGRF.


(HARSHALI KAUR)
MEMBER (CRM)


ARUN P SINGH)
CHAIRMAN


(VINAY SINGH)
MEMBER (LEGAL)