



CA No. NA
Complaint No. 39/2020

In the matter of:

Indraj SinghComplainant

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. Mr. Indraj Singh, the complainant
2. Mr. Imran Siddiqui, on behalf of BYPL

ORDER

Date of Hearing: 18th November, 2020

Date of Order: 23rd November, 2020

Order Pronounced by:- Mrs. Vinay Singh, Member (Legal)

Brief facts of the case are summarized below -

The complainant applied for BSES electricity 8 new connections for his house No. D-28 & 29 A&B on 13.12.2019 vide Request No.008004255260, 5265, 5270, 5272, 5274, 5278, 8596, 8599. But the connections were rejected due to building booked under MCD objection, as per BSES. But the said objection did not pertain to complainant's house. It must be someone else or typographical mistake. MCD issued NOC for the same, still connections rejected by BSES officer of Radhu Place, Laxmi Nagar, East Delhi-110092. BSES issued nine

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1 of 4
Imran

Complaint No. 39/2020

connections in other portion of the said property D-29-C vide Meter No. 55285836, 37, 39, 40, 41, 42, 55285366 and C.A. No.153062315, 153067436. BSES issued 3 connections to someone else in the similar case on the basis of MCD NOC at D-43-A, Gali No.8, Mandawali Unchepar, Delhi vide Meter No 70293429, 50, 51 as on 24.03.2020 during lockdown. Although the above residence is ready for shifting, but due to non-availability of electricity connection, the complainant is not able to move to new house.

Notices were issued to both the parties for appearance on 24/08/2020 and respondent filed reply and submitted that the new connection of electricity can be provided as per the law as duly provided inter alia under the Delhi Electricity Supply Code and Performance Standard Regulations, 2017 (The Supply Code, 2017), That in the present case the complainant applied for six new electricity connections at the suit premises. D-29-A & D-29-B, GANESH NAGAR, PANDAV NAGAR COMPLEX vide request No. 8004255260, 8004255265, 8004255270, 8004255274, 8004255278, 8004258596 and 8004258599 dated 11.12.2019.

That the said requests for new connections were rejected due to observations being the address of the premises for which the new electricity connections were applied appearing in the objection list of EDMC. The applicant was informed with remarks "1. Address in MCD objection list: Occupancy cum Completion certificate is required" vide deficiency letter dated 18.12.2019.

The respondent further submitted a letter of EDMC dated 11/08/2020 to CEO, BSES in which it is stated that a large number of fake "No Objection Certificates" are issued by owners /occupiers of the property are being submitted in the BSES department for getting electricity connection.

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Complaint No. 39/2020

In this regard, the respondent's Divisional Officer, Shri S V Tomar sent two letters to the EDMC for seeking clarification dated 29/07/2020 and 22/09/2020 for the veracity / genuineness of the NOC filed by the complainant, but no reply received from EMC till date. On 04/09/2020, the Forum sent a letter to EDMC to appear on 14/09/2020 either in person or through video conference failing which matter would be decided ex parte. Now the forum observed during course of hearing dated 24/08/2020, 04/0/2020 23/09/2020, 09/10/2020, 2/11/2020 and 8/1/2020 to find out the facts in the above case.

The complainant applied for 08 new electricity connections and Respondent raised observations regarding non furnishing of occupancy cum completion certificate. Thereafter, the complainant has filed a letter dated 16/01/2020, of NOC from EDMC, quote, "In this regard it is informed that as per records the property no D-29-A, Ganesh Nagar, Pandav Nagar Complex Convent School, Delhi is not booked for u/c in the name of Sh Indraj Singh, s/o Sh Bali Singh." In the month of ~~Jan~~^{Jan} 2020, the complainant filed a letter in which it is stated that EDMC has no-objection if the connection is released in the name of Shri Indraj Singh. Consequently, the Forum again directed the EDMC to appear before Forum through virtually or in person and file a reply in this matter. But on dated 14/09/2020 and 18/11/2020, EDMC neither appeared nor submitted any reply to the Forum. After taking all measures, EDMC failed to submit any cogent reply to establish veracity / genuineness of those NOCs.

In so many settled cases of Hon'ble High Court and Supreme Court, the electricity is considered as basic need of a person in day to day life. In the matter of Saifuddin VS CESC Limited 27 H 29 Calcutta High Court held that "ELECTRICITY IS BASIC NECESSITY ". In the matter of Durga Rani Singh VS WBSDCL on 09, May, 2016, Calcutta High Court held that " A PERSON IS SETTLED OCCUPIER OF ANY PREMISES IS ENTITLED TO GET

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Complaint NO. 59/2020

ELECTRICITY CONNECTION, THE RIGHT TO GET ELECTRICITY IS CONSIDERED AS AN EXTENDED FUNDAMENTAL RIGHT" In the judgment of Kailash Gambhir, the Delhi High court in W.P.C no 3132 /2010 held that "THE ELECTRICITY BEING AN ESSENTIAL AMENITY CAN NOT BE DENIED TO A PERSON".

In view of the above the following is directed:

1. That the Respondent should release the connection to the complainant as per DERC Guidelines/Regulations, 2017.
2. That the Respondent is further directed to obtain an affidavit/undertaking from the Complainant, if NOC produced, found to be fake/false, the electricity connection would be forfeited.

The case is disposed off as above.

The compliance should be reported within 30 days. The order is issued under the seal of Consumer Grievance Redressal Forum (BYPL)


(HARSHALI KAUR)
MEMBER(CRM)


(VINAY SINGH)
MEMBER(LEGAL)


(ARUN P. SINGH)
CHAIRMAN