

C A No. 8005750499
Complaint No. 06/2023

In the matter of:

Bir SinghComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. Imran Siddiqi, Ms. Shweta Chaudhary & Mr. Shubham Singh, On behalf of BYPL

ORDER

Date of Hearing: 28th February, 2023

Date of Order: 03rd March, 2023

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

1. Present complaint has been filed by Sh. Bir Singh against BYPL-SRD.
2. The brief facts of the case giving rise to this grievance are that complainant Sh. Bir Singh, applied for new electricity connection vide application no. 8005750499 at premises no. 16/59, Upper Ground Floor, Gali no. 1, Faiz Road, Karol Bagh, Delhi-110005.

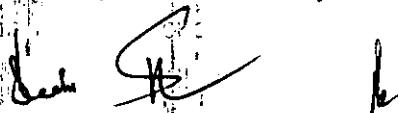
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He further submitted that respondent rejected his application for new connection on pretext of address pertains in MCD objection list.

3. The OP in their reply briefly stated that the complainant applied for fresh new connection at upper ground floor of property no. 16/59, Gali No. 1, Faiz Road, Joshi Road, Karol Bagh, Delhi for domestic purposes. Site of the complainant was visited and it was found that property is booked by MCD and appears at serial no. 99 in MCD objection list. As per objection list circulated by MCD unauthorized construction in the shape of entire stilt, ground, first, second, third and fourth floor along with projection of Municipal Land.

OP further added that during re-visit it was found that there are multiple premises of same address i.e. 16/59. Accordingly, letter was sent to NDMC for further clarification in respect of objection address. However, till date no reply is received. At present already four connections are installed in the applied premises vide CA No. 11972347 at FF, 35186919 at SF, 35119849 at 3F, 70196367 at GF, all the connections were released in the year 2016 and in view of various Judgments of Hon'ble High Court of Delhi, MCD objection is taken into consideration from the year 2018 onwards.

4. Arguments of both the parties were heard.
5. The counsel of the complainant argued that the building where he applied for new electricity connection consists of ground floor, upper ground floor, first floor, second floor and third floor whereas all the four floors have electricity connection except his floor. He further added that his property is not under MCD objection list in any manner.



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6. The LR of the OP submitted that the premises of the complainant is booked by MCD and they have also written letter to MCD for clarification as there are multiple premises of same address i.e. 16/59 but they have not received any reply from MCD.
7. Heard both the parties and perused the record. Heard the arguments of Authorized Representative of the complainant and OP-BYPL.
8. The main issue in the present complaint is whether the connection to the complainant can be given when premises are booked by MCD.
9. 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 premises no. 16/59, Upper Ground Floor, Fali No. 1, Faiz Road, Karol Bagh, New Delhi-110005, but respondent raised objection that said premise is booked by MCD vide letter no. D/EE(B)/KBZ/18/367 dated 14.06.2018. Respondent has already given connections in the same building on ground floor, first floor, second floor and third floor whereas all the four floors have electricity connection except his floor i.e. Upper ground floor. OP has also written letter to Executive Engineer NDMC dated 23.11.2022 seeking status of premises situated at 16/59, Gali No. 1, Faiz Road, Joshi Road, Karol Bagh, Delhi-110005, but OP received no response from NDMC.
10. Since, water and electricity are integral part of right to life. Hon'ble Supreme Court in the matter of Dilip (Dead) LR vs Satish, in case no. SCC online SC810 dated 13.05.2022 has held that electricity is basic amenity which a person cannot be deprived off. Even on the principle of law there should be equity before law and equal protection of law in the

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spirit of constitution. In the present circumstances, only complainant's portion is without electricity in the entire building. Ground, First, Second and Third floors of the building already have electricity connections therefore; the complainant who had applied for new connection on the upper ground floor of the same premises cannot be deprived of his right to electricity.

11. We are of the view that the respondent may be directed to provide the connection with the condition that at the time of release of new connection the complainant should file an affidavit that if MCD takes any action against the encroached property then OP should be at liberty to disconnect the supply of the complainant.

ORDER


Complaint is allowed. Respondent is directed to release the connection applied by complainant after completion of all the commercial formalities and after giving the undertaking regarding the fact that whenever MCD in future will take action against the illegal construction, OP is free to disconnect the new electricity connection.

The OP is also directed to file compliance report to this office within 21 days from the issue of this order.

The case is disposed off as above.

No order as to the cost. Both the parties should be informed accordingly. File be consigned to Record Room.


(NISHAT A ALVI)
MEMBER (CRM)


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


(P.K. SINGH)
CHAIRMAN