



C A No. Applied for
Complaint No. 79/2023

In the matter of:

Fatma BegumComplainant

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)
5. Mr. H.S. Sohal, Member

Appearance:

1. Mohd Afsar, A.R. of the complainant
2. Ms. Ritu Gupta, Ms. Seema Rawat, Ms. Shweta Chaudhary & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 21st March, 2023
Date of Order: 24th March, 2023

Order Pronounced By:- Mr. Nishat A Alvi, Member (CRM)

1. Present complaint has been filed by Ms. Fatma Begum against BYPL-LNR.
2. The brief facts of the case giving rise to this grievance are that complainant Ms. Fatma Begum, applied for new electricity connection at premises no. 50A, GF, J-extension, Laxmi Nagar, Delhi-92

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CGRF (BYPL)

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vide application no. 8006121484 but respondent rejected her application for new connection on pretext of premises booked by MCD. Therefore, complainant's application for release of new connection may be granted.

3. The OP in their reply briefly stated that the complainant applied for fresh new electricity connection for second floor of property bearing no. 50A, GF, J-extension, Laxmi Nagar, Delhi-92 vide application no. 8006121484. On receipt of application the premises of the complainant were inspected and at the time of inspection it was found that the subjected premises are booked by MCD for unauthorized construction.

OP further added that they received a letter dated 23.09.2021 from MCD whereby it has been mentioned that the subject property is booked for unauthorized construction. As such on the basis of said letter noting was made that at the subject property no new electricity connection would be granted.

4. The representative of the complainant argued that their property address is J-50A and OP is showing MCD booking at J-50. It's not their premises which are booked by MCD. He further submitted that during site visit on 13.03.2023 it came to the knowledge that respondent has released new connections at property bearing no. J-50 on 12.01.2022. He also submitted General Power of Attorney in favour of complainant dated 07.10.1997 of premises no. 50-A, J Extension, Laxmi Nagar, Delhi-92. He stated that his premises are different since long and there is no dispute regarding MCD booking and respondent has wrongly rejected his application for new connection.

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5. The LR of the OP submitted that the premises of the complainant are booked by MCD and they cannot release the new connection to the complainant as per letter no. EE(B)-II/Shah(s)/2021/D-3623 dated 23.09.2021 which states that property no. J-50, J-extension, Ramesh Park, Laxmi Nagar, Delhi is booked property against unauthorized construction from ground floor to fourth floor in the record of EDMC.
6. Heard both the parties and perused the record.

The main issue in the present complaint is whether the applied premises and the premises booked by MCD are one and the same. If not as to whether complaint may be granted or not.

7. From the perusal of evidence placed on record, pleadings and after hearing both the parties it is transpired that as per the site visit report submitted by OP property no. J-50 is in two galis one in gali no. 12 and other in gali no. 5. Distance between both the galis is approx 1 Km. and complainant's premise exists in Gali no. 12, J-extension. Site visit report also mentioned that already 4 meters exists at applied premises. Going through different bills issued by OP itself we find that the OP had given connections on the address bearing aforesaid 50-A way back in 2010 and 2017 meaning thereby that 50-A was in existence much earlier than the objection of MCD received in 2021 restricting to J-50 only. On the basis of aforesaid revelations in our considered opinion applied premises are different than the booked premises.
8. Moreover as held by Hon'ble Supreme Court in the matter of Dilip (Dead) LR vs Satish, in case no. SCC online SC810 dated 13.05.2022 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 spirit of constitution.

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9. In the facts and circumstances we don't find any valid ground for OP's refusal in granting the electricity connection in the applied premises. However, to be on the safer side it may be granted with the condition that at the time of release of new connection the complainant shall file an affidavit to undertake on oath, that in the event of any action against the applied premises on the basis of said objection by the MCD, she shall have no objection and OP shall be entitled/at liberty to disconnect the electricity supply against the connection, so granted.


ORDER

Complaint is allowed. Respondent is directed to release the connection applied by complainant after completion of all the commercial formalities and after submitting her aforesaid affidavit to the OP.


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.


(S.R. KHAN) 24/3/23
MEMBER-TECH


(P.K. SINGH)
CHAIRMAN


(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER

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