

C A No. Applied for
Complaint No. 241/2023

In the matter of:

Harjit Singh

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. S.R. Khan, Member (Technical)
4. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Harjit Singh, Complainant
2. Ms. Ritu Gupta & Mr. R.S. Bisht, On behalf of BYPL

ORDER

Date of Hearing: 20th July, 2023


Date of Order: 26th July, 2023

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Secretary
CGRF (BYPL)

Order Pronounced By:- Mr. P.K. Singh, Chairman

1. This complaint has been filed by Mr. Harjit Singh against BYPL-PNR.
2. The brief facts of the case giving rise to this grievance are that complainant Mr. Harjit Singh applied for new electricity connection vide request no. 8006243328 at premises no. 11th Floor, flat no. 1101, Plot no. 4, Vikrant Tower, Rajendra Palace Metro Station, New Delhi-110008.

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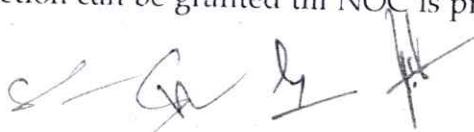
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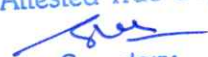
It is also his submission that respondent has rejected his applied for new connection on the pretext of MCD's NOC or completion and occupancy certificate required, three office merged into one individual. Therefore, he requested for grant of his application for new connection.

3. OP in its reply briefly stated that the complainant is seeking new electricity connection on eleventh floor of property bearing flat no. 1101, Plot No. 4, Vikrant Tower, Rajendra Place, New Delhi-110008 vide request no. 8006243328. The deficiency letter was issued as respondent has received letter dated 14.09.2022 from MCD. As per the said letter in terms of directions passed by Hon'ble High Court of Delhi in Writ Petition bearing WP (c) no. 4325/15 titled as Arpit Bhargava & anr Vs NDMC & Ors, MCD vide its letters/reminders/notices/to the owner/occupiers of the building had duly informed them that building needs immediate retrofitting to make it seismically stable. However, as per MCD, inspite of issuance of letters/reminders/notices neither any retrofitting has been done nor any structural stability certificate has been provided to MCD as a consequence whereof MCD issued aforesaid letter dated 14.09.2022 asking BYPL to disconnect the electricity supply of the buildings list whereof was enclosed with the said letter. At no. 1100 the subject property is mentioned.

OP further added that property where new connection is sought is unsafe as is also apparent from its photographs as such till the time subject property is made seismically stable and letter to this effect is issued by MCD whereby MCD grants respondent NOC to supply electricity to the subject property no fresh electricity connection can be provided.

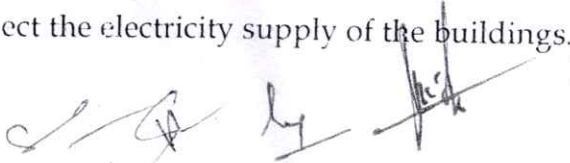
Also, the height of the building is more than 15 meters and as such no fresh electricity connection can be granted till NOC is provided from fire department.




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4. Arguments of both the parties are heard.
5. Complainant submitted that he applied for new electric connection at 1101, Vikrant Tower, Plot No. 4, Rajindra Palace, New Delhi. OP has pointed deficiencies vide their letter dated 27.04.2023 and their letter dated 03.07.2023 which are contradictory. MCD letter dated 14.09.2022 only refers to disconnection of supply in respect of a few building due to seismic zone effects but it has no direction for granting new connection. It was also his submission that in terms of retrofitting to make the building seismically stable, it is stated that this process is already in progress to make the building as a whole complaint with regard to seismic stability.
6. LR of the OP argued that the height of the building is more than 15 meters and as such no fresh electricity connection can be granted till NOC is provided from fire department. Also, the subjected property is not seismically stable and letter to this effect is issued by MCD.
7. 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 the complainant applied for new electricity connection which OP rejected on the grounds that MCD vide its letters/ reminders/notices/to the owner/occupier of the building had duly informed them that building needs immediate retrofitting to make it seismically stable, but neither any retrofitting has been done nor any structural stability certificate has been provided to MCD as a consequence whereof MCD issued aforesaid letter dated 14.09.2022 asking BYPL disconnect the electricity supply of the buildings.



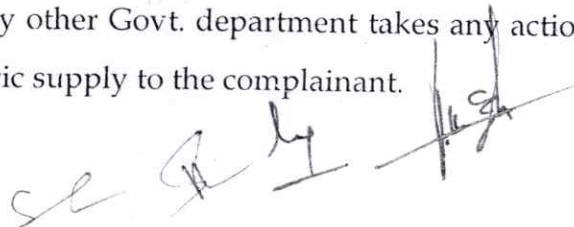
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In regard to this the complainant has submitted photographs of meters installed on 11th floor, the same floor where he has applied for new connection. Complainant along with his complaint submitted No Dues Certificate issued by MCD against property address 4/1101, Vikram Tower, Rajendra Place, East Patel Nagar, Delhi Delhi-110005 in name of Sarita Jairath, Virender Kumar Bahl dated 23.01.2023. He also submitted NOC in respect of Vikrant Tower Rajendra Palace, New Delhi issued by Delhi Fire Services, Govt. of NCT of Delhi dated 30.10.2003 stating there in that "in view of above said satisfactory fire safety arrangements provided in the premises, the said premises may be considered safe from fire safety point of view."

Also, letter of MCD dated 14.09.2022 clearly states the electricity and water connections of the properties enclosed are proposed to be disconnected, but despite MCD's order OP has not taken any action to disconnect the electricity connections installed Vikrant Tower. Thus, the complainant cannot be deprived off from enjoying basic necessity like electricity.

8. 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 spirit of constitution.
9. Therefore, we are of considered opinion that the new connection to the complainant should also be released with the condition that if near future, MCD or any other Govt. department takes any action; OP is free to disconnect electric supply to the complainant.



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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.
Proceedings closed.


(H.S. SOHAL)
MEMBER


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN

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