

Consumer Grievance Redressal Forum

FOR BSES YAMUNA POWER LIMITED

(Constituted under section 42 (5) of Indian Electricity Act. 2003)

Sub-Station Building BSES (YPL) Regd. Office Karkardooma,

Shahdara, Delhi-110032

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SECY/CHN 015/08NKS

C A No. Appiled For
Complaint No. 33/2023

In the matter of:

HimanshuComplainant

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. Mr. Shanky R.S. Gupta, A.R. of the complainant
2. Ms. Ritu Gupta, Mr. Imran Siddiqi, Ms. Amita Sharma, Ms. Shweta Chaudhary & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 23rd February, 2023

Date of Order: 28th February, 2023

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

1. This complaint has been filed by Mr. Himanshu against BYPL-GTR.
2. The brief facts of the case giving rise to this grievance are that complainant Mr. Himanshu lives at premises no. 1/3253-A, Street no. 6,

(Handwritten signatures)

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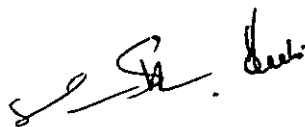
FF, Mandoli Road, Ram Nagar, Shahdara, Delhi-110032 and applied for new electricity connection vide order no. 8005949994/ONGTR0410221033 for a load of 1 KW under domestic category, but respondent rejected his application for new connection on pretext of building appearing in MCD objection list.

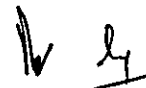
3. OP in its reply briefly stated that the complainant applied for new electricity connection vide application no 8005949994 at House no. 1/3253-A, First Floor, street no. 6, Mandoli Road, Ram Nagar, Shahdara, Delhi. OP further added that application for the new connection was rejected due to being the address of the premises for which the new electricity connections applied appearing in the objection list of EDMC as per letter no. EE (B)-II/Sh-N/2017/D-531 dated 15.07.2017 has booked for unauthorized construction in shape of Ground floor, with projection on Municipal land etc exists.
4. Arguments of both the parties are heard.
5. Representative of the complainant submitted that the premises booked by MCD are other persons premise and his premises are not booked by MCD. It is also his submission that respondent here raised the objection of MCD booking and despite of this fact they have released a new electricity connection on the second floor of the same building i.e. 1/3253-A, SF, Mandoli Road, Ram Nagar extn., Shahdara in the name of Mr. Rajneesh Kumar Tyagi.

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6. LR of the OP submitted since the building is booked by MCD therefore, new connection is not feasible.
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 complainant asked for new connection at 1/3253-A, FF, Mandoli Road, Ram Nagar Extension, Delhi, but respondent raised objection that premise no. 1/3253 (part) in name of D. Kumar, is booked by MCD vide order no. EE (B)-II/Sh.N/2017/D-531 dated 15.09.2017. Respondent has already given one connection in the same premises on second floor and the complainant wants new connection at first floor for which MCD objection list shows that 'u/c of GF with projection of MPL Land'.
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. In the present circumstances, one consumer of second floor has been given connection therefore; the complainant who had applied for new connection of the first floor of the same premises cannot be deprived of his right to electricity.
9. 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.



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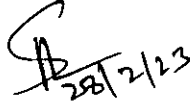
ORDER

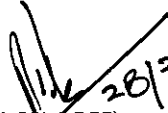
Complaint is allowed. Respondent is directed to release the connection applied by complainant after completion of all the commercial formalities and after giving the undertaking regarding the fact that whenever MCD in future will take action against the illegal construction, OP is free to disconnect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


(S.R. KHAN)
MEMBER-TECH


(P K SINGH)
CHAIRMAN


(P.K.AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER