

C A No. Appiled For
Complaint No. 304/2023

In the matter of:

Huma KhanComplainant

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

Appearance:

1. Mr. Imran Siddiqui, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

Date of Hearing: 23rd November, 2023

Date of Order: 28th November, 2023

Order Pronounced By:- Mr. H.S. Sohal, Member

1. The complainant Huma Khan in her complaint submitted that she applied for new electricity connection vide request no. 8006417443, 8006423988, 8006423968, 8006423984 and 8006423971 at premises no. 2/4, SF, Ansari Road, Darya Ganj, Delhi-110002, but respondent rejected her applications for new connection on pretext of MCD's NOC or completion and occupancy certificate required, space for electric sub-station required as total cumulative built up area more than 1000 sq m.

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2. OP in its reply briefly submitted that complainant is seeking five fresh electricity connections for various floors of property bearing no. 2/4, Ansari Road, Darya Ganj, Delhi-110002. In respect of applications of the complainant, deficiency letters were issued to the complainant with the reason as applied address was found in MCD objection list forwarded to respondent vide letter no. D-635 AE(bldg.)-IV Central Zone 2021 dated 23.02.2021. The booking is in shape of covering from set back from ground floor to third floor.
3. As per the objection of OP, counsel of the complainant submitted Building Completion Certificate and Sanctioned Building Plan.
4. In regard with the Sanctioned Building Plan and Building Completion Certificate submitted by the complainant, OP stated that the complainant submitted BCC of architect Nupur Verma which as per circulated list to BSES through MCD department is banned since 10.01.2022. After verifying on MCD link, Nupur Verma) CA/2018/04118) is showing inactive. In the submitted BCC and SBP the name of the architect is same but login/registration id is CA/2018/104118, and MCD link is not showing any details Name of architect is same but registration ID is different. For confirmation, OP has send mail to MCD on 26.09.2023 but received no reply from MCD.
5. The counsel of the complainant filed fresh BCC and SBP, which OP sought time for verification. OP was given ample time for verification of the same but they received no response from MCD.

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6. Since, the counsel of the complainant filed fresh BCC and SBP issued by Architect Ms. Neha Rawat, and OP has been given ample time to verify the same from MCD. Since no reply received from MCD, therefore, we consider the BCC and SBP issued by the Architect.
7. Therefore, we are of considered opinion, that the complainant cannot be deprived off his right of electricity. Also, 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 has held that electricity is basic amenity which a person cannot be deprived off. Water and electricity are integral part of right to life.


ORDER


The complaint is allowed. OP is directed to release the new connections as applied by the complainant 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 property then OP should be at liberty to disconnect the supply of the complainant. The Complainant is also directed to submit Architect Certificate.

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

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



(H.S. SOHAL)
MEMBER


(NISHAT A. ALVI)
MEMBER (CRM)


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


(P.K. SINGH)
CHAIRMAN

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