



CA No. Applied For
Complaint No. 28/2022

In the matter of:

Kafil AhmedComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mrs. Vinay Singh Member(Law)
2. Mr. Nishat Ahmad Alvi, Member (CRM)

Appearance:

1. Mr. Nishikant Ray, Counsel of the complainant
2. Mr. Imran Siddiqi, Mr. Prateek Pahwa & Ms. Shweta Chaudhary,
On behalf of BYPL

ORDER

Date of Hearing: 05th May, 2022
Date of Order: 10th May, 2022

Order Pronounced By:- Mrs. Vinay Singh, Member (Law)

Briefly stated facts of the case are that the complainant applied for new electricity connection but respondent has not released the new connection till date.

The complainant's grievance is that he applied for new electricity connection at his premises vide request no. 8005042093 on dated 05.08.2021, but the respondent company rejected his application for new connection on ground of "occupancy cum completion certificate is required".

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Therefore, he requested the forum to direct the respondent to release his electricity connection.

Notices were issued to both the parties to appear before the Forum on 02.03.2022.

The respondent in their reply stated that complainant applied for new electricity connection under domestic category vide application no. 8005042093 at 912, Right Hand Corner, FF, Gali Chah Shirin, Farsh Khana, Delhi-110006. It was also their submission that during site visit it was found that applied address of the complainant for which the new electricity connection is applied appearing in the objection list of EDMC. Therefore, occupancy cum completion certificate is required and also pending dues are also required to be cleared by the complainant.

The matter was listed for hearing on 02.03.2022, when respondent was directed that Nodal Officer appointed by respondent should seek clarification from EDMC and peruse the matter for obtaining NOC from EDMC.

Respondent submitted copy of their letter dated 14.03.2022 addressed to Executive Engineer (Building), Kashmere Gate, NDMC, Delhi-110006, regarding verification which building of this address is booked and mentioned in MCD objection list as there are 7 number of premises of same address located near to each other.

The matter was again heard on 21.03.2022, 18.04.2022 and 27.04.2022, when on all the hearings counsel of the complainant sought time for resolving the matter.

The matter was finally heard on 05.05.2022, when arguments of both the parties were heard and matter was reserved for orders.

Adh

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The main issue in the present case is whether the connection can be released to the complainant or not.

We have gone through the submissions made by both the parties. From the narration of facts and material placed before we find that despite giving ample time to both the parties to provide Building Completion Certificate from EDMC. It also came to the knowledge of the Forum that due to merger of all MCD, they are facing problem in issuing Building Completion Certificate.

Electricity is essential requirement of livelihood and it is right of a person to enjoy the electricity because as it is decided by Himachal Pradesh High Court, in the matter of Madan Lal Vs State of Himachal Pradesh & Ors. Where it was stated that the right to water and electricity supply is an integral part of right to life under Article 21 of the Constitution of India.


Therefore, we direct


1. Respondent is directed to release the connections to the complainant on filing the Building Completion Certificate from EDMC and after fulfilling all the commercial formalities as per DERC Guidelines 2017.
2. Complainant is also directed to pay all the energy dues which is pending on the same premises as he admitted before the forum.
3. Respondent is further directed to waive off LPSC and also release the connection within one week's time after completion of all the required formalities by the complainant.

The case is disposed off.

No order as to the cost. Both the parties should be informed accordingly.

Proceedings closed.


(NISHAT AHMAD ALVI)
MEMBER (CRM)


(VINAY SINGH)
MEMBER (LAW)
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