

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 01508NKS

CA No. Applied for
Complaint No. 212/2022

In the matter of:

Naresh KumarComplainant

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)

Appearance:

1. Mr. Nishikant Ray, Counsel of the Complainant
2. Mr. Imran Siddiqi, Ms. Ritu Gupta, Mr. Prateek Pahawa, Mr. Shubham Singh & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 03rd January, 2023

Date of Order: 05th January, 2023

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

1. Present complaint has been filed by the complainant alleging that complainant's application for new connection has been rejected on pretext of premises booked by MCD. Complainant, pleading that respondent has wrongly rejected his application for new connection; therefore, he has prayed this Forum for grant of his complaint by issuing directions to the respondent to allow his application for new connection.

Complaint No. 212/2022

2. The complainant in complaint stated that he purchased shop no. 1386, Top Floor, Saraf Market, Chandni Chowk, Delhi-110006 on 02.09.2016. Thereafter, he applied for new electricity connection in the said shop for non-domestic category vide application no. 8005784155 dated 02.07.2022. He further submitted that the building is old constructed and height is below 15 meters but respondent rejected his application for new connection on the pretext of address in MCD objection list: Premises under MCD objection/disconnection list as per clause no. 11 (2-IV) of DERC supply code. Therefore, complainant's application for new connection may be granted.

3. OP in its reply briefly submitted that complainant is seeking new electricity connection at shop bearing no. 1386, 3rd floor, Saraf Market, Chandani Chowk, Delhi-110006 vide request no. 800574841555.

OP further submitted that new connection cannot be granted on account of shop where new connection is applied for is appearing in MCD objection as per list circulated by them of unauthorized constructed properties.

4. Heard the arguments of Authorized Representative of the complainant and OP-BYPL. The representative of the complainant argued that he applied for new electricity non-domestic electricity connection at shop no. 1386, top floor, Saraf Market, Chandni Chowk, Delhi-110006 and his shop is separate from the premises booked by MCD. He further submitted that property bearing no. 1386 is measuring total area of 650 sq yards and in which his area is 90 sq. yards upto ground to third floor and there are many buildings in the said property.

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Complaint No. 212/2022

5. The representative of OP submitted site visit report submitting therein that the building where the complainant applied for new commercial connection exists of ground + 2 floors + applied portion exist on roof. Roof of applied portion is made by asbestos cement sheet. Building is fully commercial and is joint from 1383 to 1387. It is also submitted that the MCD booked portion and applied portion and address are same. OP also stated that the General Power of Attorney submitted by the complainant is of date 02.09.2016 which clearly states that the total property is 650 sq yards and a part of property no. 1386, measuring area 90 sq yards on third floor, situated at Saraf Market, Chandni Chowk, Delhi-110006 is in the possession of the complainant.

6. From perusal of the record placed before us and pleadings of both the parties we observe that MCD booked the building no. 1386-1387, Main Road, Chandani Chowk, Delhi-110006 on dated 28.12.2018 vide file no. 190/84-NA/B-II/UC/CSPZ/18 dated 28.12.2018 in shape of "under construction of tin shed at second floor", whereas the complainant became owner of property no. 1386, third floor, Saraf Market, Chandni Chowk, Delhi-110006, through notarized General Power of Attorney on dated 02.09.2016, which clearly shows that the third floor in the property was build in the year 2016.

Further, on going through the property chain, the General Power of Attorney dated 14.01.1985 in the name of Pooran Chand also proves that the third floor of the property exists in the year 1985 also. The site visit report submitted by the complainant also states that the building structure is old. Therefore, the OP's contention that the complainant has build the third floor after building is booked by MCD does not substantiate here.

Complaint No. 212/2022

The MCD booked the second floor in the shape of under construction of tin shed at second floor; it nowhere mentioned that the entire building is booked. It seems that only extended portion at second floor was booked by MCD in the year 2018.


7. Water and electricity are integral part of right to life. Hon'ble Supreme Court in the case of Dilip (Dead) LR vs Satish, SCC online SC810 dated 13.05.2022 has held that "electricity is basic amenity which a person cannot be deprived off".
8. Therefore, we are of considered opinion that respondent should release the new connection to the complainant.


ORDER


Complaint is allowed. Respondent is directed to release the connection applied by complainant after completion of all the commercial formalities.

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

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


(NISHAT A. ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.R. SINGH)
CHAIRMAN