



C A No. Applied For
Complaint No. 386/2023

In the matter of:

Neelofer & VasudevComplainant

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 (Tech.)

Appearance:

1. Mr. Imran Siddiqui, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S Bisht & Ms. Shweta Chaushary, on behalf of respondent

ORDER

Date of Hearing: 08th February, 2024
Date of Order: 14th February, 2024

Order Pronounced By:- Mr.S. R Khan, Member (Tech.)

1. The complaint has been filed by Ms. Neelofer & Vasudev Khilwani against BYPL-LNR. The brief facts of the case giving rise to this grievance are that Ms. Neelofer & Vasudev Khilwani applied for new electricity connection vide request no. 8006552310 and 8006520236 at premises no. 45-A-J-Block, J Extension, Laxmi Nagar, Delhi-110092, but respondent rejected the application of the complainant for new connection on pretext of Dues at site and MCD Objection.

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[Signature]
Secretary
CGRF (BYPL)

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2. OP in its reply briefly stated that the complainant is seeking two electricity connections for the ground floor of property bearing no. 45-A, J-Block Extension, Laxmi Nagar Delhi-110092 vide request no. 8006552310 and 8006520236. At the time of inspection it was found that the building is booked by the MCD for unauthorized construction at serial no. 31, of MCD objection list bearing no. EE(B)-II/Sh(s) 2022 D-513 dated 26.07.2022 in the shape of GF, FF, SF and TF with projection on municipal land.

On 27.09.2023 re-visit also took place and it was found that in the subject property four electricity connections already exists i.e. one electricity connection each on the ground, first, second and third floor. It was found that the applied premises also exist in Gali No. 5, hence the address in MCD and applied premises are the same. In addition, it was also confirmed that one Mr. Pratyus Chirantan as mentioned in MCD list, resides in the same building therefore, no electricity connection can be granted to the complainants unless the existing meter is removed and the MCD objection is cleared. As such, the complainants are required to furnish a building completion certified(BCC) or a NOC in lieu thereof in terms of MCD objection in order to obtain any new electricity connection.

3. In response to the reply the complainant filed rejoinder on dated 14.12.2023. The complainant has applied two new electricity connections on ground floor of premises bearing no. 45- A, block, J-Extension Laxmi Nagar Delhi. He also stated that the address of the complainant and the address booked by MCD are quite different. It is also his submission that OP in its rejection letter has sought dues of CA No. 400577276 of premises bearing no. J-extension, 45-46A, Laxmi Nagar, however, the respondent in their reply has not sought the dues mentioned in the rejection letter, which clearly proves that MCD booked premises and applied premises are different.

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4. Both the parties were directed to conduct joint site visit and to submit its report before the Forum. The joint visit report was submitted and it stated that
- There are three buildings exist of address 45-46 J-extension, 45 J block, J extension and 45A J block, j extension and all buildings exist in Gali no. 5.
 - The address credential of MCD booked premises and applied premises are same.
5. According to the site visit report premises no. 45 and 45A are different premises. There are three different premises in J-extension, J-block, having address 45-46, 45 and 45A and only MCD can clarify which property is booked by them. Already connections in all the buildings exist. We don't find any justification to deny complainants of their right of basic amenity of livelihood unless it is confirmed that out of three properties of same address, it is only the property of the complainant which is booked by MCD. Water and electricity is integral part of right to life. Hon'ble Supreme court in the matter of Dilip (dead) LR Vs Satish, in the case no. SCC 810 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.
6. In the facts and circumstances aforesaid, 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 in future MCD takes any action against the her property then OP should be at liberty to disconnect the supply of the complaint is allowed.


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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, OP is free to disconnect the new electricity connection.


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

The case is disposed off as above.

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


(NISHAT A ALVI)
MEMBER (CRM)


(P.K AGRAWAL)
MEMBER (LEGAL)


(S.R. KHAN) 11/3/24
MEMBER (TECH)


(P.K. SINGH)
CHAIRMAN

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