

C A No. Applied for
Complaint No. 379/2023

In the matter of:

Pawan Kumar PahujaComplainant

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. Hemant Goel, Counsel of the complainant
2. Ms. Ritu Gupta, Ms. Shweta Chaudhary & Ms. Chhavi Rani, On behalf of BYPL

ORDER

Date of Hearing: 01st February, 2024
Date of Order: 05th February, 2024

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

1. This complaint has been filed by Pawan Kumar Pahuja against BYPL-G.T. Road. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connection vide request no. ONGTR2408230463 at premises no. 340/2/28, Gali No.1, Friends Colony Industrial Area, G.T. Road, Village Jhilml Tahirpur, Shahdara, Delhi-110095 but respondent rejected his application for new connection on pretext of floor undertaking required--others.

Attested True Copy


Secretary
CGRF (BYPL)

Complaint No. 379/2023

2. OP in its reply briefly stated that the complainant is seeking new electricity connection for the premises no. 340/2/28, Gali No. 1, Friends Colony Industrial Area, GT Road, Shahdara, Delhi-110095. In respect of subject premises, sale deed dated 01.03.2019 has been placed on record which has been executed by Shree Shree Iswar Satyanarayananjee and Other Deities in favour of the complainant has been conferred with rights with respect to the second floor with roof rights and further constructions rights upto last permissible storey.

The complainant applied for new electricity connection vide request no. ONGTR2408230463 under NX category for non-domestic purpose, however no floor has been specified by the complainant.

Reply also added that the complainant had earlier applied for new connection in March 2022 vide request no. 8005554618 for the second floor of 240/2/28. As per the site visit report dated 30.03.2022, the building structure consisted of a basement+ground+3 floors over it. The said application was rejected as the applied address was found to be booked by MCD for unauthorized construction vide letter no. EE(B)-I/Sh(S)/2021/D-1990, EE(B)-I/Sh(S)/2017/D-269(A), EE(B)-I&II/Shah(S)/2020-21/D-1436 and EE(B)-I/Sh-N/2023/D-151.

3. Both the parties were directed to conduct joint site visit to ascertain the factual position whether the site of the complainant is booked by MCD or not. The site visit report submitted by the respondent shows that plot no. 340 is a big khasra and there are many premises on the said khasra.
4. From the narration of facts and during the course of hearings the counsel of the complainant stated that OP has recently released a new connection on 16.01.2024 at Plot no. 340/2/27, GF, Gali No. 1, Friends Colony Industrial Area, GT Road, Delhi-110095. He also contested that his premises is in front of metro pillar no. 24, whereas MCD has booked premises in front of Metro Pillar no. 25.

Attested True Copy


Secretary
CGRF (BYPL)

Complaint No. 379/2023

Same is also evident from the MCD booking list. Also, the site map attached with the site visit clearly shows that the applied address of the complainant is in front of Metro Pillar No. 24.

5. Since the main objection of OP was regarding MCD booking of property no. 340/2 in front of Metro Pillar no. 25 and from the site visit map submitted by OP it seems that the complainant's premises do not fall in front of Metro pillar no. 25. The complainant's premises are in front of Metro pillar no. 24. Also, recently OP has released a new electricity connection in premise no. 340/2/27, therefore, in the interest of justice the complainant cannot be deprived off with his right to basic amenity.
6. 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.
7. 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 his property then OP should be at liberty to disconnect the supply of the complainant.
8. In view of the above, we are of the considered opinion that the new connection application of the complainant vide request no. ONGTR2408230463 for premises no. 340/2/28, Gali, No. 1, Friends colony Industrial Area, can be granted.

Attested True Copy


Secretary

Complaint No. 379/2023

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, 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.

~~(P K SINGH)
CHAIRMAN~~

102/24
(S.R. KHAN)
MEMBER-TECH

ly
(P.K.AGRAWAL)
MEMBER-LEGAL

Beel
(NISHAT AHMAD ALVI)
MEMBER-CRM

*on leave
06/02/24*
(H.S. SOHAL)
MEMBER

4 of 4

Attested True Copy

free
Secretary
CRM (BYPL)