

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
Phone: 32978140 Fax: 22384886
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SECY/CHN 015/08NKS

C A No. Applied For
Complaint No. 76/2022

In the matter of:

Ravi PrakashComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Mr. Imran Siddiqi & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

Date of Hearing: 02nd June, 2022

Date of Order: 06th June, 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 connections till date.

The complainant's grievance is that he is residing at H.No. B-6, GF, B-Block, Pandav Nagar, Near Gurudwara, Delhi-110092 and applied for new electricity meter vide application no 8005418485 dated 18.01.2022 but the respondent

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rejected his application for new connection on pretext of premises under EDMC list. Therefore, he requested the Forum to direct the respondent for immediate release of new connection.

Notices were issued to both the parties to appear before the Forum on 10.05.2022.

The respondent in their reply submitted that applicant Sh. Ravi Prakash applied for new electricity connections for domestic category vide application no. 8005418485 at B-6, GF, B-block, Pandav Nagar, Near Gurudwara, Delhi-92. During site verification it was found that applied address of the premises for which the new electricity connections was applied is appearing in the objection list of EDMC.

The counsel of the complainant submitted Information under DRTI Act 2001, LD No. 218(123622) dated 04.03.2022. Wherein it was mentioned that details of booking is not available on record.

The matter was listed for hearing on 10.05.2022, when counsel of the complainant submitted RTI letter dated 25.04.2022 EDMC that in this regard no information is available on record. Both the parties were asked to file clarity on booking by EDMC.

Secretary of the Forum was directed to issue letter to the officials of EDMC to appear before the Forum.

The matter was finally heard on 02.06.2022, when arguments of both the parties were heard and matter was reserved for orders.

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The present complaint is filed before the Forum by the complainant on dated 07.03.2022 for releasing of the new connection which respondent has refused to provide a new connection because the building is booked by EDMC for unauthorized construction. The respondent has attached the letter in his reply that Sl. No. 308 B-6, Pandav Nagar, Delhi booked in shape of room toilet kitchen staircase at Ground Floor, First Floor, Second Floor and Third Floor, it seems that the whole building is under construction and booked by EDMC on dated 22.01.2021 for unauthorized construction.

When this complaint was put up before hearing, complainant is directed to provide EDMC No Objection Certificate for releasing the new connection. Complainant filed the RTI reply on 19.05.2022 in which it is mentioned that "information regarding plot no. B-6, GF, B Block, Pandav Nagar, Near MCD School, New Delhi-110092." As per Para 3 of RTI reply "Information sought is not available on record."

But the complainant has filed the reply of RTI which is of the different address and the booked property has different address. The Gift deed filed by the complainant before the Forum dated 16.08.2020 in favour of Ravi Prakash, is house no. B-6, Pandav Nagar, Delhi-110092. And the connection applied by the complainant address is B-6, B-block, Pandav Nagar, Delhi-110092 and also the RTI reply filed by the complainant before the Forum has address of B-6, B-Block, Pandav Nagar, Delhi-110092, but the registered document by notary dated 16.08.2020 has the same address as booked by EDMC on 22.01.2021. So, it is not clear by the NOC filed ^{by} the complainant in RTI reply.

So, the electricity connection is essential and integral part of life and has the constitutional right under Section 14 of the Indian Constitution as decided by Himachal Pradesh High Court, in the matter of Madan Lal Vs State of

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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.

So, we are of the considered opinion that Respondent is directed to release the connection whenever the complainant file the EDMC No Objection Certificate of the same address as given in gift deed in favour of complainant after fulfilling all the commercial formalities as per DERC Guidelines 2017.

The case is disposed off as above.

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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