



C A No. Applied for
Complaint No. 112/2023

In the matter of:

Shabana BanoComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. Nishat Ahmed Alvi, Member (CRM)
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. S.R. Khan, Member (Technical)
4. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Neeraj Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Mr. Deepak Verma & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

Date of Hearing: 08th June, 2023
Date of Order: 13th June, 2023

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

1. As per complaint, the complainant's grievance is for release of new electricity connection vide request no. 8004054648, 8004155680, 8004181131, 8004191624 and 8004197979 at premises no. 12/15, Shop no. 1, Kidwai Gali Babarpur, Near chhajupur, delhi-110032 but respondent rejected her applications for new connection on the pretext of premises appearing in MCD objection list and removal of existing permanent meter.

Attested True Copy
[Signature]
Secretary
CGRF (BYPL)

[Signature] *[Signature]* *[Signature]*

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2. OP in its reply briefly submitted that the complainant is asking for restoration of CA No. 1504202251 and in alternate is asking for new electricity connection at shop at property bearing no. 12/15, Shop No. 1, Kidwai Gali, Babarpur, Near Chhajupur, Delhi-32.

The complainant is seeking restoration of connection which was disconnected in the year 2019, thus the said connection has now become dormant and complainant has to apply for new connection. In year 2019, the complainant applied for new connection vide various applications. Details are as follow:

1. 8004054648 dated 21.08.2019
2. 8004155680 dated 15.10.2019
3. 8004181131 dated 01.11.2019
4. 8004191624 dated 06.11.2019

All the four applications were rejected as complainant failed to visit the office of the respondent for biometrics. Application no. 8004197979 dated 12.11.09 was rejected with deficiency letter stating that the connection sought was commercial and at relevant time trade license was needed which complainant failed to provide. Further at that time the property was found in EDMC list also their existed one electricity connection having meter no. 14296051. OP further added that the complainant applied for new connection in the year 2019; therefore, the complainant has to apply afresh as the same no longer subsists.





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3. L.R. of the complainant rebutted the contentions of OP as averred in their reply and submitted that he has asked for restoration of supply of CA No. 150420251 but OP contented that the connection has become dormant. OP has restored many dormant connections having CA No. 150688485 dated 26.04.22, 101620214 dated 09.05.2022, 150862893, 101613033, 101537649, 101619934, 152618912, 100070700 and many more connection but have denied to restore his electric supply.
4. LR of the OP submitted that premises of the complainant have been booked by MCD and for release of new electricity connection the complainant has to file BCC or NOC from MCD department.
5. From the pleading of both the parties and material placed on record it is transpired that the property is being booked by MCD since 2010 and the complainant was using electricity till 2019 after that her supply was disconnected. MCD has not taken any action till date after booking the premises in the year 2010; therefore, the complainant cannot be deprived of her right for basic amenities for life.
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.

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CGRF (BYPL)

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[Signature]

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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 MCD takes any action against the encroached property then OP should be at liberty to disconnect the supply of the complainant.

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 against the illegal construction, 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.

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Proceedings closed.



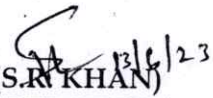
(H.S. SOHAL)
MEMBER



(NISHAT A. ALVI)
MEMBER (CRM)



(P.K. AGRAWAL)
MEMBER (LEGAL)



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