



C A No. Applied for
Complaint No. 163/2022

In the matter of:

Sushil KumarComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmad Alvi, Member (CRM)
3. Mr. P.K. Agrawal, Member (Legal)
4. Mr. S.R. Khan, Member (Technical)

Appearance:

1. None present on behalf of the complainant
2. Ms. Ritu Gupta, Mr. Imran Siddiqi, Ms. Shweta Chaudhary & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 24th January, 2023
Date of Order: 30th January, 2023

Order Pronounced By:- Mr. P.K. Singh, Chairman

1. This complaint has been filed by Mr. Sushil Kumar, against BYPL-KWN.
2. The brief facts of the case giving rise to this grievance are that complainant Mr. Sushil Kumar is residing at B-2, Khasra No. 17/5, Main Road, Johri Pur, Near Toll Tax, Delhi-110093 and he applied for new electricity connection vide application no. 8005464365 and respondent

[Handwritten signatures and initials]

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rejected the application for new connection on pretext of NOC from DC revenue/advisory committee required. Therefore, complainant's application for release of new connection may be granted.

3. The respondent in reply briefly stated that the complainant applied for grant of new electricity connection vide application no. 8005464365 in property bearing no. B-2, FF, Main Road, Johripur, Delhi, which is claimed to be exists in Delhi.

OP further submitted that during site visit on dated 07.02.2022 it was found that premises consists of ground plus two and half floors which falls in UP area. Also there are outstanding electricity dues at the applied premises.

The premise of the complainant was re-visited again and it was found that there seems to be property dispute between brothers. Front side of the premise (GF+2) is in possession of two brothers namely Sushil and Sachin. Back side of the premise (GF+1) is in possession of one brother namely Rahul. UP meter no. 230025 was found installed at back side of property which is in possession of Rahul, therefore applied premises falls un UP.

Also, BSES YPL network is available at approx. 25 meter in front of applied premises and UP network is available at a distance of approx. 200 meters. On right hand side and left hand side of applied premises, BSES connections exist.

4. Heard both the parties and perused the record. Heard the arguments of Authorized Representative of the complainant and OP-BYPL.

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5. Representative of the complainant submitted that already connections in his name and his mother's name were installed in the applied premises by OP which now has been disconnected. He further submitted that OP has also booked him for direct theft of electricity, which shows that he is resident of NCT of Delhi. He also submitted notarized GPA which also shows that his premises fall in Delhi territory.
6. On the other side, LR of OP submitted that for release of new electricity connection complainant has to submit Land Revenue Record for confirmation that his premises falls in Delhi territory. OP further added that already UP state electricity connection is installed in the back side of the property which is in possession of Rahul, brother of the complainant.
7. Heard both the parties and perused the record. From the perusal of evidence placed on record pleadings and after hearing both the parties it is transpired that complainant asked for new connection at B-2, FF, Khasra No. 17/5, Main Road, Johri Pur, Near Toll Tax, Delhi-93. Respondent in its reply at para no'd, e and f submitted that BSES-YPL network is available at approximately 25 meters from the applied premises whereas UP network is available at a distance of approx 200 meters. Premises on the right and left side of the complainant's premises have BSES-YPL connection. OP further submitted that electricity dues are outstanding in respect of applied premises. It proves that the premise already had connection of BSES-YPL. Also, bills of BSES-YPL are placed on record by the complainant along with his complaint. U.P. state electricity meter installed in name of Rahul does not have any relevance here.

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8. 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. In the present circumstances, left side property and right side property of the applied premises already have BSES-YPL connection; therefore, the complainant who had applied for new connection in the same area cannot be deprived of his right to electricity.

ORDER

Complaint is allowed. Respondent is directed to release the connection applied by complainant after completion of all the commercial formalities and without asking him DC/Revenue Record and subject to payment of all the pending energy as well as enforcement dues.

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

Accordingly, the case is disposed off.

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


(NISHAT A. ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


(S.R. KHAN)
MEMBER (TECH)


(P.K. SINGH)
CHAIRMAN