



CA No. Applied For
Complaint No. 130/2022

In the matter of:

Uzma KhatoonComplainant

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 alongwith complainant
2. Mr. Imran Siddiqi, Ms. Shweta Chaudhary & Ms. Katha Mathur,
On behalf of BYPL

ORDER

Date of Hearing: 04th August, 2022

Date of Order: 16th August, 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 connection till date.

The complainant's grievance is that she applied for new electricity connection vide application no. 8005643791, but respondent rejected her application for

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new connection on pretext of address where connection is applied is in property dispute. Therefore, she requested the Forum to direct the respondent company for immediate installation of new connection.

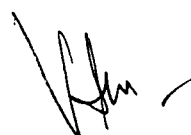
Notices were issued to both the parties to appear before the Forum on 21.07.2022.

The respondent in their reply submitted that complainant applied for new electricity connection vide order no. 8005643791 at A-1135, GF, Kh. No. 335, Gali no. 22, Part-4, Block-A, Sonia Vihar, Delhi-110094. Respondent further added that application for new connection was rejected due to property/ownership dispute at applied address and on date 27.01.2022 Abrar Ahmed filed the complaint regarding the dispute on the property and submitted that matter is pending with police department.

The matter was listed for hearing on 21.07.2022, when respondent submitted their reply and counsel of the complainant was directed to file rejoinder.

A reply from the office of Public Information Officer-cum-Addl. Deputy Commissioner of Police North East Distt., Delhi dated 13.05.2022 in which it is clearly mentioned at point no. 10 that "However, the plot no. 17, Khasra No. 335, situated at Gali No. 22, A-Block, Soniya Vihar Khajuri Khas, Delhi has been in the peaceful possession of Smt. Uzma Khatun W/o Mohd. Mahboob since November 2018 (as per enquiry/papers and the previous owner the plot consisting of total 80 sq yards out of which 50 sq yards presently acquired and in possession of by Smt. Uzma Khatun w/o Md. Mahboob."





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The counsel of the complainant submitted their rejoinder refuting therein the contentions of the respondent as averred in their reply and reiterated his original complaint. He further submitted that complainant is owner of property bearing plot no. 1135, GF, Khasra No. 335, Gali No. 22, Part-4, Block-A, Sonia Vihar, Delhi-110094 by virtue of GPA dated 11.12.2018 duly notarized by Mohd. Yunus, s/o Sh. Mohd. Yusuf in favour of the complainant.

Matter was finally heard on 04.08.2022, when arguments of both the parties were heard and matter was reserved for orders.

The main issue in the present complaint is whether the connection to the complainant can be granted or not.

We have gone through the submissions made by both the parties. From the narration of facts and material placed before us we find

- That the complainant applied for new electricity connection at premises no. 1135, GF, Khasra No. 335, Gali No. 22, Part-4, Blck-A, Sonia Vihar, Delhi-110094.
- He purchased the said property by virtue of GPA dated 11.12.2018 from Mohd. Yunus s/o Sh. Mohd Yusuf. Thereafter, Mohd. Anwar and Abrar claimed to be owner of the said property on the basis of forged and fabricated documents. Husband of the complainant made complaint in the police station and the APIO investigated the matter properly and concluded that, the plot no. 17, Khasra No. 335, situated at Gali No. 22, A-Block, Soniya Vihar Khajuri Khas, Delhi has been in the peaceful possession of Smt. Uzma Khatun W/o Mohd. Mahboob





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since November 2018 (as per enquiry/papers and the previous owner the plot consisting of total 80 sq yards out of which 50 sq yards presently acquired and in possession of by Smt. Uzma Khatun w/o Md. Mahboob.

In view of the above deliberations and letter from the office of the Public Information Officer, North East District, Seelam Pur, Delhi-110053 dated 13.05.2022, we are of considered opinion that the objection raised by respondent regarding ownership dispute is clear after the above stated letter from PS-Khajuri Khas, North East Dist, Delhi and does not substantiate here.

We are of considered opinion that building is in possession of the complainant and also, Electricity is essential requirement of livelihood and it is right of a person to enjoy the electricity because as it is decided by Himachal Pradesh High Court, in the matter of Madan Lal Vs State of 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.

In the matter of Durga Rani Singh Vs WBSDCL, 9 May 2016 Calcutta High Court, "A person is settled occupier of any premises is entitled to get electricity connection. The right to get electricity is considered as an extended Fundamental Right.

In the matter of Saifuddin Vs CESC limited, 27 H 29 Calcutta High Court. The Court is of opinion that electricity is the basic necessity.

Dech

[Signature]


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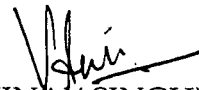
Therefore, we direct

1. Respondent is directed to release the connections to the complainant after fulfilling all the commercial formalities as per DERC Guidelines 2017.
2. Respondent is also 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.
Proceedings closed.


(NISHAT AHMAD ALVI)
MEMBER (CRM)


(VINAY SINGH)
MEMBER (LAW)