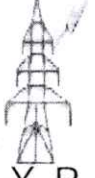


C G R F



B Y P L

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

E-mail: cgrfbypl@hotmail.com

SECY.CHN/015/08NKS

**C A No. Applied for
Complaint No. 38/2023**

In the matter of:

Zahida Khatoon

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat A 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. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. Prateek Pahwa, Ms. Shweta Chaudhary & Mr. Shubham Singh, On behalf of BYPL

ORDER

Date of Hearing: 13th April, 2023

Date of Order: 04th May, 2023

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

1. Present complaint has been filed by Ms. Zahida Khatoon, against BYPL-KWN.
2. The brief facts of the case giving rise to this grievance are that complainant Ms. Zahida Khatoon, purchased the property no. D-4/45-46, Khasra No. 1/1, Gali No. 4, Brijpuri, Delhi-94 on 20.10.2022 from Faimuddin s/o Sh. Bundu.

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Secretary
CGRF (BYPL)

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Complaint No. 38/2023

She further added that she applied for new electricity connection vide application no. 8005999871 but respondent rejected her application for new connection on the pretext of connection already exists but she submitted that no electricity connection is installed at her property.

3. The OP in their reply briefly stated that complainant is seeking fresh electricity connection for ground floor flat at property bearing Khasra No. 1/18, D-45-46, Gali No. 4, Brijpuri, Delhi-110094. The building consists of ground plus five floors over it. On each floor of the building there are two flats i.e. one on right hand side and another of left hand side. The entire building is duly electrified. On the ground floor already two electricity connections exists. As such building was revisited. The complainant wants second connection in respect of Ground Floor flat on left hand side which is already electrified. The said flat is temporarily divided into two flats by way of partition. In the front side flat of the said partition flat there is one toilet and one room. In the said room one basic kitchen has been set with sole intent to get second connection in respect of premises which is already electrified. The said room cannot be considered as a separate dwelling unit and no fresh electricity connection can be granted in respect of flat which is already electrified.
4. The counsel of the complainant argued that he has purchased the property vide GPA dated 20.10.2022 in shape of 28 sq yards, GF, Left side, Kh. No. 1/18, prop no. D-4/45 and D-4/46, Village Ziauddinpur, Gali No. 4, D-block, Brijpuri, Delhi-94. Total plot area is approx 100 sq yards and he is owner of 28 sq yards only therefore, he applied for new electricity connection in his portion only.

For
Sharma

Devi

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Complaint No. 38/2023

5. LR of the OP submitted that the building is constructed ground +5. From first floor till 5th floor two flats on each floor on left and right side. On ground floor also two flats made on left and right side but on left side flat consumer made the partition in flat and applied the connection on the front side flat. In flat one toilet and one room exists. Kitchen exists in the room, so it is not considered as room.
6. 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 the complainant produced the notarized documents that he purchased the property in the year 2022 and purchased only 28 sq yards out of total 50 sq yards of flat. The site map submitted by the complainant shows that left side flat of 50 sq yards is divided into two portions and the complainant became owner of the back side of flats via Notarized GPA in her favor. It is also observed that the right side on ground floor of the property have parking in the front and back side portion has one room set of same size which the complainant has purchased on the left side.
7. 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.
8. Considering the condition of the complainant, this Forum feels that the complainant should not be deprived off her right for basic necessity for livelihood. Therefore, we are of considered opinion that new connection be released to the complainant.

for
Sham

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Secretary
CGRF (BYPL)

Sub Jt

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Complaint No. 38/2023

ORDER

Complaint is allowed. Respondent is directed to release the new connection to the complainant after completion of all the commercial formalities within stipulated time frame as per DERC Regulations.

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

(S.R. KHAN)
MEMBER-TECH

(NISHAT AHMAD ALVI)
MEMBER-CRM

(P.K.AGRAWAL)
MEMBER-LEGAL

(H.S. SOHAL)
MEMBER
(ON LEAVE)
4 of 4

For
A. Hassan

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Secretary
CGRF (BYPL)