

C A No. Applied For
Complaint No. 48/2020

In the matter of:

Satish Kumar GuptaComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. Arun P Singh (Chairman)
2. Mrs. Vinay Singh, Member (Legal)
3. Dr. Harshali Kaur, Member (CRM)

Appearance:

1. Mr. Vinod Kumar, Counsel for the complainant
2. Mr. Imran Siddiqui, On behalf of BYPL

ORDER

Date of Hearing: 16th October, 2020

Date of Order: 19th October, 2020

Order Pronounced by:- Mrs. Vinay Singh, Member (Legal)

Briefly stated facts of the case are that the complainant applied for new connection, but the respondent company rejected his application for new connection.

The complainant submitted that he along with owner of House no. 555, Plot no. 7-C, Mansarovar Park, GT Road, Delhi-110092, which he purchased on 29.12.2017. It is also his submission that he applied for three new connections vide request no. 8004383288, 8004383289 and 8004383291 at GF, FF and SF dated 24.02.2020,

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but the respondent company vide their letter dated 02.03.2020 rejected his application for new connection on the pretext of 'Address in MCD objection list : Occupancy cum completion certificate required'.

He further added that he approached respondent to inform that the address shown in MCD list and address given for installation of new connections are the address of different premises and he has no concern whatsoever with the address shown in MCD list and he has not received any notice or letter from the EDMC regarding same. The complainant even visited several times to the office of electricity and shows that address booked by MCD is different and his address is different (MCD list). The concerned office of the respondent said that they have written to the EDMC. Complainant again sent email to company on 04.06.2020, 09.06.2020 and 11.06.2020 requesting for process of installation. On dated 17.08.2020 complainant approached the Forum for grant of connection.

Notice was issued to both the parties to appear before the Forum on 18.09.2020.

The respondent company submitted their reply stating therein that the complainant is asking for new electricity connection at his premises vide order no. 8004383288, 8004383289 and 8004383291 for GF, FF and SF respectively. The said request was not processed for removal of existing temporary connection against CA No. 350827221 in the name of Satish Kumar Gupta, meter no. 55241306 installed on 08.12.2017.

That there is EDMC objection in the name of Vineet Sachdev (copy enclosed). The address for application is 555, 7-C, Plot No.7 &8, Mansarover Park, GT Road and the EDMC objection is at 7C/1, Old No.555 (part), Moti Ram Road, Shahdara for unauthorized construction of G.F, F.F, S.F with projection of Mpl. Land. As per the sale deed provided by the applicant, the sale deed was carried out between Sh. Om Prakash Sachdev and Vineet Sachdev in favour of Sneha

Prakash Sachdev

Vineet Sachdev
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Lata, w/o applicant Satish Kumar Gupta done on 29.12.2017 for vacant plot bearing address 555, 7-C part of plot No.7 & 8 with rights to upper construction up to last storey. Moreover, the occupancy cum completion certificate is also not being provided by the applicant in support to prove that the construction is not unauthorized.

That a letter dated 01.06.2020 has also been sent by the respondent to Exe. Engineer, EDMC regarding grant of new electricity connection to the complainant in reference to EDMC notice no.EE(B)II/SH-N/2018/D-815 dated 03.07.2018, but so far no reply has been received at respondent's end (copy enclosed).

The matter was heard on 18.09.2020, when both the parties were present respondent raised objected that this property is booked by EDMC, but the complainant denied it. The Complainant was directed to provide 'No Objection Certificate' of EDMC.

It was also submitted that EDMC objection is in the name of Vineet Sachdev, the address for application is 555, 7-C Plot No. 7&8, Mansarovar Park, GT Road and the EDMC objection is at 7C/1, old no. 555 (part) Moti Ram Road, Shahdara for unauthorized construction of GF, FF and SF with projection of Mpl. Land. The sale deed provided by the applicant is carried out between Sh. Om Prakash Sachdev and Vineet Sachdev in favor of Sneh Lata w/o Satish Kumar Gupta on 29.12.2017 for vacant plot bearing address 555, 7-C, part of plot no. 7&8 with rights to upper construction.

We have gone through the inspection/revisit report of the respondent dated 29.05.2020. As per the revisit on 29.05.2020:

- The applied premises No.555/7C, Mansarover Park, G.T Road, Karnal, Delhi.
- EDMC objection is on Old No. Part of 555/7C(1), Moti Ram Road, Shahdara, Delhi
- The second objection premises No.555/7A, there already exist eight meters.

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Complainant filed their written submission in which submitted that the property is not booked by EDMC. On dated 16.10.2020, complainant's counsel also filed RTI report, reply in respect of ID 3043 dated 05.08.2020, reply dated 18.09.2020 of EDMC. That the property No.555/7-C part of the plot No.7888, Mansarover Park, GT Road, Delhi-32 has not been booked."

The grant of new connection requirement as per DERC guidelines, 2017-what documents required 10 (2)

Any of the following documents:

1. Election Identity Card
2. Passport
3. Driving License
4. Ration card
5. Adhar Card
6. PAN
7. Photo Identity Card issued by Govt.
8. If the applicant is an organization

Proof of ownership or occupancy of the premises any one of the following documents shall be accepted as the proof of ownership/occupancy. Any of the following document shall be accepted as proof of ownership or occupancy of premises as per Section 10 (3) DERC guidelines, 2017.

1. Certified copy of the title deed
2. Certified copy of the convergence deed
3. GPA
4. Allotment letter / possession letter
5. Valid lease agreement
6. Rent receipt not earlier three months
7. Mutation certificate /DDA/L & DO
8. Sub-division of property agreement
9. For JJ cluster, ration card/election card.

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After going through all records and material placed before the Forum, complainant is fulfilling all the requirements of DERC guidelines.

As decided by Hon'ble High Court in Umesh Chand Sharma Vs BSES and CM Nos.4208-9/15, Hon'ble High Court observed. It has been repeatedly observed by Supreme Court as well as by this Court electricity is an essential requirement without which any person in occupation cannot enjoy the property.

In the matter of Saijuddin Vs CESC 271-129, Calcutta High Court "The Court is of opinion that electricity is basic necessity for the person".

Hon'ble Justice Kailash Gambir of Hon'ble High Court, Delhi WPC No.3132/70, "That electricity being an essential amenity cannot be denied"

The Forum is of considered opinion that:-

The respondent is directed to release the connection to the complainant as per DERC guidelines, 2017 because complainant has filed No Objection Certificate dated 18.09.2020 from EDMC and also fulfilling all the requirements as per DERC guidelines, 2017 Regulation 10 (2) and (3).

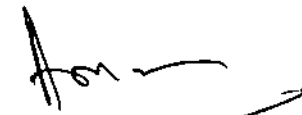
In view of the above, the case is disposed off and the Respondent is directed to file ATR within 30 days.

No order as to the cost.

The order is issued under the seal of CGRE.


(HARSHALI KAUR)
MEMBER(CRM)


(VINAY SINGH)
MEMBER(LEGAL)


(ARUN P. SINGH)
CHAIRMAN