

C A No. Applied For
Complaint No. 172/2024

In the matter of:

AamirComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

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. Imran Ul Haq Siddiqi, Counsel of the complainant
2. Ms. Ritu Gupta, & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 02nd July, 2024

Date of Order: 04th July, 2024

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

1. The brief facts of the case giving rise to this grievance are that complainant Mr. Aamir has applied for new electricity connection at premises no. C-58/162, Mata Sundari Road, Daryaganj, Delhi-110002, vide application no. 8006790226. The application of consumer was rejected by Opposite Party (OP) BYPL on the pretext of temporary structure and dues exist.

2. The respondent in reply briefly stated that new electricity connection has been applied by the complainant vide request no. 8006790226 at Jhuggi no. C-58/162, Mata Sundari Road, Daryaganj, Delhi-110002. OP further added that an application seeking domestic connection for the aforementioned address was received vide request no. 8006790226. The complainant has submitted two identity cards, one MLA letter dated 09.02.2024 and an I-bond along with other required documents. The site of the complainant was also visited and it was found that the subject property is a just temporary structure which is apparent from the photographs filed on record. Only one permanent wall exists and all other three walls and roof are of wood and of temporary nature.

3. Counsel of the complainant in its rebuttal refuted the contentions of OP as averred in their reply and submitted that applied premise is a Jhuggi and for which the existing structure is sufficient for the release of new connection.

4. Heard both the parties and perused the record.

5. The issue is whether the connection of the complainant vide application number 8006790226 in JJ cluster can be released?

6. Before disposing off the application of the complainant, it is relevant to discuss the rules and regulations applicable to this issue.

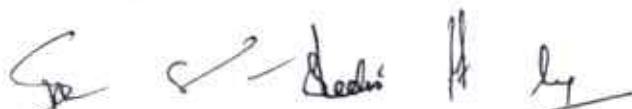
Regulation 10. New and Existing Connections:-

(3) Proof of ownership or occupancy of the premises:-

(ix) For bonafide consumers residing in JJ clusters or in other areas with no specific municipal address, the licensee may accept either ration card or electoral identity card mandatorily having the same address as a proof of occupancy of the premises.

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7. As per the above said Regulation, the complainant wants new electricity connection vide application no. 8006790226 which OP rejected on the basis of temporary walls. Counsel of the complainant in its rebuttal stated that there is sufficient space available and the meter can be installed. OP in its reply has admitted that the complainant has provided them two identity cards to prove his identity and also a letter from area MLA dated 09.02.2024. Thus, the complainant has fulfill the requirements as per above stated Regulations.
8. Regulations have mentioned certain Technical Specifications for installation of electricity meter in electrified and developed area, but there are no specific specifications for installation of new electricity connections in JJ cluster area.
9. 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.
10. Therefore, in view of above, rejection of application of new connection of the complainant is not justified. The complainant can be granted new electricity connection which can be installed by OP either on the toilet wall or on the wooden wall above cemented wall as stated by the complainant.



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ORDER

The complaint is allowed. OP is directed to release the new connection to the complainant applied vide application no. 8006790226 on the cemented wall available in the Jhuggi.

OP 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.


(S.R. KHAN)
MEMBER-TECH


(P.K.SINGH)
CHAIRMAN

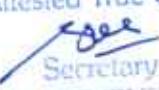

(P.K.AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER

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Attested True Copy


Secretary
CGRF (BYPL)