

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:cgrfbyp@hotmai.com
SECY/CIN 01508NKS

C A No. Applied for
Complaint No. 574/2024

In the matter of:

Abdul FaizComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. S.R. Khan, Member (Technical)
4. Mr. H.S. Sohal, (Member)

Appearance:

1. Mr. Imran Ul Haq Siddiqi, Counsel of the complainant
2. Mr. Prashant Sharma, Mr. R.S. Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 15th May, 2025

Date of Order: 20th May, 2025

Order Pronounced By:- Mr. P.K. Agrawal, Member (Legal)

1. The brief fact of the case giving rise to this grievance is that the complainant applied for new electricity connection at premises no. 8/318, Second Floor, Lalita Park, Laxmi Nagar, Delhi-110092, vide request no. 8007223006. The application of complainant was rejected by Opposite Party on the pretext of Dues at site and connection already exists vide meter no. 13662621.

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CGRF (BYPL)

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The complainant stated that his application for new connection has been declined on false grounds as he is the owner of only second floor and pending dues does not pertain to his applied floor.

2. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking new electricity connection of 1 KW for domestic purpose at the property bearing no. 8/318, Second Floor, Lalita Park, Laxmi Nagar, Delhi-110092, vide request no. 8007223006. The application of the new connection was rejected on account of applied premises is listed in the list available at MCD Portal and therefore, the application of complainant had been rejected. Moreover, the Enforcement dues as well as the energy dues vide C.A. No. 400819398 & 100890544 are pending upon the applied premises. As per MCD objection list, the address mentioned as 9/318 Lalita Park, Laxmi Nagar, Delhi-11092 for the applied address of complainant i.e. 8/318, Lalita Park, Laxmi Nagar, Delhi-110092. It is pertinent to mention here that there is no premises bearing no. 318 in Gali No. 9, but only the entrance is from Gali No. 9 towards the applied premises and hence, MCD mentioned 9/318 in place of 8/318 in the said objection list. Hence, Violation of the provisions of Electricity Act & Regulations framed in respect of DERC (Supply Code & Performance Standards) Regulation, 2017.

3. In response to the reply the complainant filed rejoinder. The complainant stated that the premises of complainant is not booked by the MCD and even the OP has not attached letter of MCD booking sent to OP by the MCD, in which the OP has been asked to disconnect the existing connection or not to release any new connection on the building of the complainant by the MCD, which clearly shows that the OP does not have any letter issued from the MCD pertaining to the complainant

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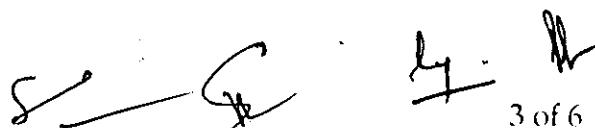
Secretary
CGRF (BYPL)

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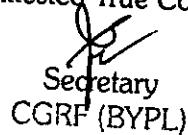
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address and has merely filed an screenshot from a private website, wrongly/falsely claiming to be taken from MCD portal as the same is taken from a private website namely Advocatesdelhi.com, and without filing the MCD objection letter issued to the OP by the MCD, the OP can't rely on this objection as same is not maintainable. However even in this private website also the property details does not match with the address of the complainant's address as mentioned in para 5 of their reply and more importantly the OP deliberately did not disclose the fact that there are at least four more properties of same address as of the complainant (8/318), which shows the true intent of OP.

Rejoinder further added that the OP wants to recover the dues from the complainant which does not pertains to complainant's building/floor which is a different building, as the walking sequence of bills of this disconnected connections and enforcement dues are different from the walking sequence of the complainant premises, which is quite evident from revisit report attached by the OP on page no.15 of their reply. Complainant stated that one meter no. 13662621 exists in the building, said meter has no floor mentioned on the bill and does not pertains to the applied second floor of the complainant and even the building of the complainant has five floors and only four meters are installed in the building. OP in their reply failed to mention that in which year the building was booked by MCD, which they are claiming to be booked, even the four electricity connections are already installed in the building of the complainant by OP from time to time i.e. since 1995 to year 2022, which proves that the complainant building is quite old and not booked by MCD.

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4. During the course of argument, both the parties were directed to conduct joint site visit. The site visit report shows the dues of CA No. 400819398 (Nooruddin) and CA No. 100890544 belongs to different building. There exist one no floor meter 1366262 on the applied building. The site visit report also shows site map which shows that 8/318 have two buildings.
5. Heard arguments of both the parties at length.
6. From the narration of facts and material placed before us we find that the complainant applied for new connection of 1 KW for domestic purpose at the property bearing no. 8/318, Second Floor, Lalita Park, Laxmi Nagar, Delhi-110092, vide request no. 8007223006. OP rejected the application of complainant on the ground of MCD booking and same site energy dues.

Regarding the first objection of OP of MCD booking, we find that the OP has not filed any MCD booking list on record, they have filed a screenshot of MCD portal showing MCD booking of the year 2016 against the unauthorized construction at GF, FF, SF, TF and Fourth Floor in shape of room, kit, toilet. The current site visit report shows that there are three properties of same address. OP has installed four connections in applied building since 1995 to year 2022.

Regarding the second objection of OP of pending energy dues, site visit report clearly shows the dues of CA No. 400819398 (Nooruddin) and CA No. 100890544 are different to applied building.

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7. Water and electricity is integral part of right of life. Hon'ble Supreme Court in the matter of Dilip (dead) LR Vs Satish, in the case no. SSC 810 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.

8. In the facts and circumstances aforesaid, we are of the view that the OP has failed to submit any conclusive and authentic proof that the said premises is booked by MCD. Therefore, respondent may be directed to provide the connection with the condition that at the time of release of new connection the complainant should file an affidavit that in future MCD takes any action against the his property then OP should be at liberty to disconnect the supply of the complainant.

ORDER

The complaint is allowed. Respondent is directed to release the new connections applied by complainant vide application no. 8007223006 at premises no. 8/318, Second Floor, Lalita Park, Laxmi Nagar, Delhi-110092, after completion of all the commercial formalities required for giving connection as per DERC Regulations 2017 and submitting the undertaking by the complainant regarding the fact that if in future any authority takes any action, OP will be free to disconnect the new electricity connection without any further notice.

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This Order shall be complied within 21 days of the receipt of the certified copy or from the date it is uploaded on the Website of the Forum; whichever is earlier.

The parties are hereby informed that instant Order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order.

If the Order is not appealed against within the stipulated time, the same shall be deemed to have attained finally.

Any contravention of these Orders is punishable under Section 142 of the Electricity Act 2003.


(H.S. SOHAL)
MEMBER


(P.K. AGRAWAL)
MEMBER (LEGAL)


(S.R. KHAN)
MEMBER (TECH.)


(P.K. SINGH)
CHAIRMAN

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