

Consumer Grievance Redressal Forum

FOR BSES YAMUNA POWER LIMITED

(Constituted under section 42 (5) of Indian Electricity Act, 200.

Sub-Station Building BSES (YPL) Regd. Office Karkardoom:

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SECY/CHN 015/08N1

C A No. Applied For Complaint No. 428/2023

In the matter of:

Afshan Zainab Syed

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmed Alvi, Member (CRM)
3. Mr. P.K. Agrawal, Member (Legal)
4. Mr. S.R Khan, Member (Tech.)
5. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Imran Ul Haq Siddiqi, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S Bisht & Mr. Akshat Aggarwal, on behalf of respondent

ORDER

Date of Hearing: 23rd April, 2024

Date of Order: 29th April, 2024

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

1. The complaint has been filed by Mr. Afshan Zainab Syed against BYPL-Laxmi Nagar. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connection vide request no. 8006625735 at premises no. R-175, UG/F, J-Ext, Ramesh Park, Laxmi Nagar, Delhi-110092, but respondent rejected the application of the complainant for new connection

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CGRF (BYPL)

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On the pretext of MCD Objection, Dues at site and Address mismatch', but complaint alleged that the dues does not pertain to him. Therefore, he requested the forum to direct the respondent for release of new connection. .





2. OP in its reply briefly stated that the complainant is seeking a new electricity connection on the upper ground floor of the property bearing no. H.No. R-175, UG/F, J-Ext, Ramesh Park, Laxmi Nagar, Delhi-110092, vide application bearing no. 8806625735 and same was rejected as the applied address was found in the MCD objection list forwarded to respondent vide letter no. EE(B)-I&II/Shah(S)/2020-21/D-1436 dated 13.11.2020 at serial no. 505. Besides the same there are outstanding dues against the said premises in respect of CA no. 401246001 which needs to clear as precondition for grant of new connection as per supply code 2017.

On inspection it was found that the building structure consists of the ground floor, upper ground floor, and three floors over it. Further there is mismatch of address in respect of existing connections and applied connection address. The existing connections are having billing address as 5 J-Ext, R-175, Ramesh Park address whereas the applied address is R-175, J-Ext, Ramesh Park, Laxmi Nagar. Further there is one connection for fourth floor whereas as per applied address there is upper ground floor as a consequence the fourth floor becomes third floor. Thus there is mismatch of floor as well.

3. In response to the reply the complainant filed rejoinder. The complainant has applied for a new electricity connection on property bearing address H.No. R-175, UG/F, J-Ext, Ramesh Park, Laxmi Nagar, Delhi-110092 vide order no 8806625735, however the same was

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rejected stating that the applied address is in MCD objection list, which is wrong and denied as the building in which complainant has applied new connection, was constructed prior to 2006 and the complainant has purchased the constructed flat on upper ground floor in the said building in 2006 and from the copy of bills of other connections it is proved that all connections were installed in year 2006-2007 and from the MCD list attached with the reply of respondent, it is evident that that MCD booked building was constructed in year 2017 and there are atleast 15 buildings having address R 175 Ramesh Park Laxmi Nagar.

Further the respondent while releasing connection bearing CA no. 153988638 in 2022 has verified the fact that the MCD booking and theft bill does not pertain to the complainant premises, and released the said connection and the applied building is in street no 09 and the building of pending suits and MCD booked building is situated in street no 10 of Ramesh Park Laxmi Nagar Delhi.

4. Both the parties were directed to conduct joint site visit. Joint site visit report dated 14.02.2024 stated that Dues of CA no. 401246001 is different from DT video. Applied address is R-175, Ramesh Park. At the time of joint visit, applicant shows two premises but both the premises are R-175/10 and J-5. Both the addresses are different from MCD booking. Applied premises R-175 and MCD booked premises are same.
5. Arguments of both the parties are heard.

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6. OP has raised three objections for rejecting the application of the complainant for new connection. First, the premises are booked by MCD, second there are DT bill dues pending at the applied address and lastly there is address mismatch.
7. Regarding the first objection of the OP, OP has placed on record a letter dated 13.11.2020 from the office of Executive Engineer (Building), Shahdara South Zone, EDMC address to Chief Executive (BYPL), Karkardooma, Shahdara, Delhi where Delhi Legislative Assembly has desired a report in the following prescribed format asking 'whether electricity connection provided, if yes please mention date of connection'.

In the said list premises of the complainant is mentioned at serial no. 505, but no details regarding the booking is mentioned, then how OP can claim that it is the same building as booked by MCD. The list is related to legislative question, no details regarding booking is mentioned in the said list. Also, there are multiple properties of same address, thus it is difficult to ascertain which property is booked by MCD. Therefore, the benefit of doubt goes in the favour of the complainant.


Secondly, OP has raised the issue of DT dues, and the said dues are on different property which is clearly evident from the site visit report dated 14.02.2024 placed on record. The site visit report states that dues of CA No. 401246001 is different as per DT video.

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Regarding the last objection of OP, address mismatch. Op in its reply has stated that there is one connection for fourth floor whereas as per applied address there is upper ground floor, thus fourth floor becomes third floor. The complainant has applied for new connection on upper ground floor and not on third floor or fourth floor.

It is also important to note that the respondent released CA No. 153988638 in the year 2022 on the 4th floor of this building and has verified the fact that MCD booking and theft bill do not pertain to the applied address (of the complainant). The complainant has also stated that applied address falls in street no. 9, while the building of MCD booking and pending dues falls in street no. 10 of Ramesh Park, Laxmi Nagar.

8. Water and electricity is integral part of right to life. **Hon'ble Supreme court in the matter of Dilip (dead) LR Vs Satish, in the case no. SCC 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.
9. In the facts and circumstances aforesaid, we are of the view that the 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 if in future MCD takes any action against the her property then OP should be at liberty to disconnect the supply of the complaint is allowed.

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ORDER


Complaint is allowed. OP is directed to release the new electricity connection as applied for by the complainant vide application no. 8006625735 at premises no. R-175, UGF, J-extension, Ramesh Park, Laxmi Nagar, Delhi-110092 after completion of all the commercial formalities as per DERC Regulations 2017 and after submitting the undertaking by the complainant regarding the fact that Whenever MCD/any Government Agency in future takes any action, OP is free to disconnect the new electricity connection.

OP is further 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.


(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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