

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

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SECRETARY TO THE MEMBERS

C A No. Applied For Complaint No. 49/2024

In the matter of:

Ashok Gandhi

.....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.)

Appearance:

1. Mr. Shanty R.S. Gupta, Representative of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht & Mr. Akshat Aggarwal, on behalf of respondent.

ORDER

Date of Hearing: 16th May, 2024

Date of Order: 24th May, 2024

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

1. The complaint has been filed by Ashok Gandhi against BYPL-G.T. Road. The brief facts of the case giving rise to this grievance are that the complainant applied for new connection vide request no. ONGTR311023093, 8006630448 at premises no. Part 3-A, Plot No-550/3-A, Ground Floor, GT Road, Mansarovar Park, Shahdara, Delhi-110032 but respondent rejected the application of

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BPL*
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the complainant for new connection on the pretext of "address not complete/Ownership Mismatch and Ownership & Applied address mismatch," but complainant stated that plot No-550 is huge compound & he applied for new connection on a part of plot no. 550.

2. OP in its reply briefly stated that the complainant is seeking fresh electricity connection for non-domestic purpose vide request no.8006630448 for the premises bearing no. Part 3-A, Plot No-550/3-A, Ground Floor, GT Road, Mansarover Park, Shahdara, Delhi-110032. A deficiency letter was issued for the reason of MCD sealing objection. Therefore, non domestic connection cannot be released in absence of MCD De-sealing/ NOC and lieu thereof trade license issued by MCD in respect of the subject property.

As per the information available with respondent the booked property bearing H no 550/3, was sealed wherein one industrial unit in the name of Trilok Chand Jindal was running as a consequence whereof the existing electricity connection bearing CA No. 150249031 was disconnected and meter was removed on 23.12.2019.

At the time of site visit it was found that the subject premises is booked further from the sale deed placed on record by the complainant subject premises is situated at plot no 3. Thus, it is a case where after the sealing the property in year 2019, a new number is given to same property in order to get new electricity connection inspite of MCD objection.

3. Arguments of both the parties are heard at length.

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by *[Signature]* *[Signature]* *[Signature]* *[Signature]*

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4. From the narration of facts and material placed before us we find that OP does not provide complete details of MCD booking. OP placed on record print out of excel sheet of their record. No list or letter of MCD is placed on record to prove that it's the premise of the complainant which is booked by MCD. Thus, the benefit of doubt goes in the favour of complainant.

The registered sale deed of the complainant, shows Mr. Trilok Chand Jindal in property chain, therefore, OP's contention that the property was booked by MCD cannot be ruled out, but in the absence of proper MCD list or booking number or booking date, we cannot ruled out that this is the same property which is booked by MCD.

5. 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.

6. 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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B. Patel*
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Respondent is directed to release the connection applied by complainant after completion of all the commercial formalities and after giving the undertaking regarding the fact that Whenever MCD in future will take 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.

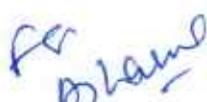

(NISHAT A ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


(S.R. KHAN) 15/24
MEMBER (TECH.)


(P.K. SINGH)
CHAIRMAN

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