



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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SECY/CHN 015/08NKS

C A No. Applied For Complaint No. 97/2022

In the matter of:

Ashok KumarComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mrs. Vinay Singh Member(Law)
2. Mr. Nishat Ahmad Alvi, Member (CRM)

Appearance:

1. Mr. Nishikant Ray, Counsel of the complainant
2. Mr. Imran Siddiqi, Ms. Shweta Chaudhary & Ms. Maninder Babbar, On behalf of BYPL

ORDER

Date of Hearing: 02nd August, 2022

Date of Order: 10th August, 2022

Order Pronounced By:- Mrs. Vinay Singh, Member (Law)

Briefly stated facts of the case are that the complainant applied for new electricity connection but respondent has not released the new connections till date.

The complainant's grievance is that he is the owner/user of built-up property bearing no. B-53-A, Upper Ground Floor, SF and 4th floor, old plot no. 131,

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South Ganesh Nagar, Opposite Under pass, Delhi-110092. Said building is old and constructed upto fourth floor and was constructed in the year 2010. Already there are three connections installed in the applied building but only applicant's flat has no electricity connection. He purchased said flat in his name on 27.02.2020 through registered relinquishment deed dated 28.02.2020.

It is also his submission that he applied for new electricity connection under domestic category at upper ground floor, second floor and fourth floor on 22.10.2021 bearing application no. 8005247634, 8005247644 and 8005247650 and the flat have height below 15 meters. He further added that there are six properties with same number i.e. B-53 in the area. Respondent rejected his application for new connection on pretext of address in MCD objection list.

Therefore, he requested the Forum to direct the respondent for immediate release of new connections.

Notices were issued to both the parties to appear before the Forum on 23.06.2022.

The respondent in their reply submitted that Ashok Kumar applied for new electricity connections for domestic connection vide application no. 8005247634, 8005247644 and 8005247650 at B-53-A, SF, Old Plot No. 53-A, South Ganesh, opposite under pass, Delhi-110092. Respondent further added that applications for new connection of the complainant were rejected due to address of the premise for which new connections are applied appearing in the objection list of EDMC. Therefore, occupancy cum building completion certificate is required. It is also submitted that during site visit, multiple premises (around 15) found at site having same address B-53, South Ganesh Nagar, hence, mail has been sent to Executive Engineer Building Department MCD to confirm and identify the premises booked by them.

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The matter was listed for hearing on 23.06.2022, when both the parties were present and respondent filed their reply copy of same was supplied to the complainant. Forum directed both the parties to conduct a joint inspection.

The complainant also submitted RTI reply from EDMC dated 17.06.2022.

As per the orders of the Forum both the parties visited the site on 30.06.2022. As per the site visit report multiple premises found with similar address credential "B-53", also sequence of premises is not proper MCD objection premises cannot be verified.

Matter was heard on 07.07.2022, when counsel of the complainant sought time.

Counsel of the complainant submitted additional submissions stating therein that he applied for new electricity connections under domestic category for UGF and Second Floor of building no. B-53-A, Old plot no. 131, South Ganesh Nagar, Opp Underpass, Delhi-110092. He also submitted that there are two properties bearing no. B-53, and the building number of complainant is B-53-A, and he has no connection and concern with building B-53 in any manner and are separate with each other. It is also submitted that an electricity meter bearing CA no. 100976414 in the name of Ms. Sushila Devi at B-53 and another connection in name of Mohd Firoz Khan vide CA No. 101007835. The building number B-53 is in Gali No. 5 and his property no. B-53A is situated in Gali no. 6 where he has sought electricity connection. He also submitted that there is another property bearing no. B-53-C, which was booked by EDMC but now respondent has released the connection in this property also after submission of Building Completion Certificate.

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The matter was finally heard on 02.08.2022, when arguments of both the parties were heard and matter was reserved for orders.

The main issue in the present complaint is whether the connection to the complainant can be granted or not.

We have gone through the submissions made by both the parties. From the narration of facts and material placed before us we find

- That the complainant filed RTI for obtaining Building Completion Certificate from EDMC and EDMC vide their letter dated 17.06.2022 submitted that the information is available in public domain and can be retrieved by the applicant.
- That the complainant applied for new electricity connection on second floor. "
- Respondent rejected the application for new connection of the complainant on grounds of building height more than 15 meters and building booked by EDMC.
- That the site visit report submitted by the respondent shows that the building is upto 4th floor and complainant applied for new connection on 2nd floor already there are connections on third floor and first floor of the same building and the entire building is domestic.
- Since the complainant applied for new connection on second floor of the building and as per below mentioned sixth amendment of the DERC regarding building height. The objection of respondent regarding height of the building is not maintainable.
- The respondent's other objection regarding requirement of EDMC certificate is also not maintainable as the building which is booked is different from the building of the complainant. Already there are connections in the said building.



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The notification of DEREC vide no. F.17(85)/Engg/DERC/2016-17/5403/487 dated 31.05.2019 it is clarified that the distribution licensee for release of electricity connection shall not insist for fire clearance certificate for the residential buildings having height upto 15 meters without stilt parking and 17.5 meters with stilt parking. The measurement of the height of the building shall be made in accordance with clause 1.4.16 and 7.19 of Unified Building Bye-Laws for Delhi 2016.

As per DEREC (Sixth Amendment) order, 2021 dated 15.04.2021:

2.0(3) In case of residential buildings, for release of electricity connection the Distribution Licensee shall not insist for Fire Clearance Certificate for the residential building having height up to 15 meters without stilt parking and up to 17.5 meters with stilt parking.

We are of considered opinion that building is fully domestic; already there are connections in the said building. Also, Electricity is essential requirement of livelihood and it is right of a person to enjoy the electricity because as it is decided by Himachal Pradesh High Court, in the matter of Madan Lal Vs State of Himachal Pradesh & Ors. Where it was stated that the right to water and electricity supply is an integral part of right to life under Article 21 of the Constitution of India.

In the matter of Durga Rani Singh Vs WBSDCL, 9 May 2016 Calcutta High Court, "A person is settled occupier of any premises is entitled to get electricity connection. The right to get electricity is considered as an extended Fundamental Right.

In the matter of Saifuddin Vs CESC limited, 27 H 29 Calcutta High Court. The Court is of opinion that electricity is the basic necessity.

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Therefore, we direct

1. Respondent is directed to release the connections to the complainant after fulfilling all the commercial formalities as per DERC Guidelines 2017.
2. Respondent 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.


(NISHAT AHMAD ALVI)
MEMBER (CRM)


(VINAY SINGH)
MEMBER (LAW)