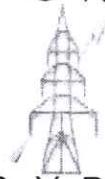


C G R F



B Y P L

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: cgrfbyppl@hotmail.com

SCY.CIN/03/08/NKA

C A No. Applied For
Complaint No. 190/2024

In the matter of:

Ashok Kumar Tiwari

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. S.R Khan, Member (Tech.)

Appearance:

1. Mr. Imran Ul Haq Siddiqi, Counsel of the complainant
2. Ms. Ritu Gupta, Ms. Chhavi Rani & Mr. Lalit, on behalf of respondent.

ORDER

Date of Hearing: 28th November, 2024

Date of Order: 02nd December, 2024

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

1. As per the complaint, the complainant applied for new electricity connection vide request no. 8006851687 at his premises no. F-198, 4th floor, right side, F-block, Laxmi Nagar, Delhi-110092, but respondent rejected his application for new connection on grounds of building height more than 15 meters and address appearing in MCD list for unauthorized construction. The complainant alleged that there are multiple properties of same address and MCD booking pertains to others

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Secretary
CGRF (BYPL)

1 of 4

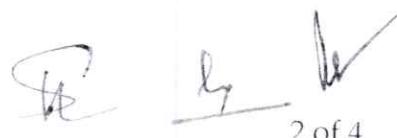
Complaint No. 190/2024

- OP in its reply briefly stated that the complainant applied for new connection vide request no. 8006851687 at right hand side fourth floor of premises no. F-198, F-block, Laxmi Nagar, Delhi-110092. During site visit, it was found that the applied premises are booked by MCD vide booking list no. EE(B)-I/SH(s)/2019/D-2013 dated 17.07.2019, displaying at sl. No. 11, in the shape of unauthorized construction at third floor and fourth floor, one room toilet (GF FF, SF is old and occupied).

Reply further states that apart from MCD booking, there are same site **energy dues against CA no. 100975606** and the complainant's pro-rata share is calculated to be Rs. 2038/- . It is further mentioned in the reply that the complainant in his complaint has alleged that OP has released a new connection in the same premises on third floor vide CA no. 152952669 in the year 2019, in this regard OP submits that the connection does not exist at the subject building and all the other 11 connections in the subject building were released prior to the year 2018.

OP also states that for release of the new electricity connection, the complainant has to file BCC issued by MCD.

- During the course of arguments, both the parties were directed to conduct joint site visit. The joint site visit report states that there exist two buildings of address F-198 and both buildings are of same structure i.e. G+4. Dues of CA no. 100975606 is same address dues. MCD booking with name of Sanjeev, so MCD is same site.


2 of 4

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4. Arguments of both the parties are heard.
5. From the narration of facts and material placed before us we find that the application of new connection of the complainant was rejected by OP on two grounds first, there are pending dues which needs to be clear and second, and the premises of the complainant are booked by MCD.

Regarding the first objection of OP of pending dues, the complainant is ready to clear his pro-rata share of Rs. 2038/-.

Regarding the second objection of OP, MCD booking of premises in question, in this regard, the site visit done by the both the parties have been perused and it is clear that there are two properties of same address and it is difficult to ascertain which property is booked by MCD. Even after the MCD booking in the year 2019, OP has released many connections in both the properties, this shows that even OP is also not confirmed which property is booked by MCD. The MCD booking list filed by MCD is also not legitimate. Therefore, not releasing the new connection to the complainant would not be justified.

6. Thus, OP should release the connection to the complainant, with condition that if in future, MCD takes any action against the booking; OP is free to take action as per law. Moreover, there are multiple connections released by OP in the applied building which is also evident from the IR submitted by OP itself. Also, 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.

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Secretary
CGRF (BYPL)


3 of 4

Complaint No. 190/2024

7. Therefore, in view of the above, we are of considered opinion that in the absence of authentic proof of MCD booking, the complainant cannot be deprived off his right to basic amenity to life. Thus, 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 adverse action against the his property then OP should be at liberty to disconnect the supply of the complaint.

ORDER

Complaint is allowed. Respondent is directed to release the new connection applied by after completion of all the commercial formalities and after submitting the undertaking by the complainant regarding the fact that whenever MCD in future take any adverse action, OP is free to disconnect the new electricity connections.

This Order shall be complied with 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 the instant Order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order.

If the Orders are not appealed against within the stipulated time or no interim stay thereon has been granted by the Ombudsman, the same shall be deemed to have attained finality.

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

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Secretary
CGRF (BYPL)


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN