

C A No. Applied for
Complaint No. 530/2024

In the matter of:

Beena Gupta

.....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 (Technical)

Appearance:

1. Mr. Shanky RS Gupta, A.R. of the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht, Mr. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 18th February, 2025

Date of Order: 24th February, 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. 1/4649/147, Second Floor, Street No.-5, New Modern Shahdara, Delhi-110032, vide request no. 8006982882. The application of complainant was rejected by Opposite Party (OP) BYPL on the pretext of Address in MCD Objection but complainant stated that there are sub divided properties on plot no.-1/4649 and an applied part premises is 1/4649/147 which is not booked/sealed.

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CGRF (BYPL)

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2. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking new electricity connection at the property bearing no. 1/4649/147, Second Floor, Street No.-5, New Modern Shahdara, Delhi-110032, vide request no. 8006982882. The application of the new connection was rejected on account of applied address is under MCD Booking letter no. EE(B)-II/SH-N/2019/D-850 dated 18.12.2019.

Hence, Violation of the provisions of Electricity Act & Regulations framed in respect of DERC (Supply Code & Performance Standards) Regulations, 2017.

3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the building is not booked in the name of Smt. Beena Gupta or Mr. Praveen Gupta who is husband of the applicant and the area of booking is also different. Property No. 1/4649 is huge and very big compound and our part of premises is 1/4649/147 which is totally separate and not even mentioned in any of the objection list.

4. The representative of the complainant stated that plot no. 1/4649 is a huge compound and there are many properties built on the said plot. To ascertain the factual position at site both the parties were directed to conduct joint site visit. The joint site visit report dated 31.01.2025 stated as under:-

- a) At the time of revisit found multiple address start from 1/4649.
- b) Almost all premises address start from 1/4649.
- c) EDMC objection only 1/4649 area 70 square yard and applied address 1/4649/147-A (Total 04 address of 1/4649/147)
- d) MCD objection not confirmed.

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5. From the narration of facts and material placed before us we find that complainant applied for new electricity connection which OP rejected on pretext of MCD Objection. Regarding objection of OP, OP has placed site visit report which states that the MCD Booking not confirmed. OP itself is not able to confirm whether it is the property of the complainant which is booked or not. Also, the plot area of the complainant is 40 square yards and the booked premise area as per booking list is 70 sq yards. Thus, the objection of OP is not justified and we cannot deprive the complainant of electricity. Therefore, OP is hereby directed to grant the application of the complainant for electricity connections in the applied premises.
6. 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.
7. 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 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.

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ORDER


The complaint is allowed. Respondent is directed to release the new connection as applied for by the complainant vide application no. 8006982882 at premises no. 1/4649/147, Second Floor, Street No.-5, New Modern Shahdara, Delhi-110032, 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.

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.


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K.SINGH)
CHAIRMAN

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CGRF (BYPL)