



Consumer Grievance Redressal Forum
FOR BSES YAMUNA POWER LIMITED
(Constituted under section 42 (5) of Indian Electricity Act, 2003)
Sub-StationBuilding BSES (YPL) Regd. Office Karkardooma,
Shahdara, Delhi-110032
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SECY/CHN 015/08NKS

C A No. Applied For
Complaint No. 119/2022

In the matter of:

Chandra Prakash PandeyComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mrs. Vinay Singh, Member (Legal)
2. Mr. Nishat Ahmed Alvi, Member (CRM)

Appearance:

1. Mr. Chandra Prakash Pandey, Complainant
2. Mr. Imran Siddiqi, Ms. Amita Sharma & Ms. Shweta Chaudhary,
On behalf of BYPL

ORDER

Date of Hearing: 26th July, 2022

Date of Order: 29th July, 2022

Order Pronounced by:- Mrs. Vinay Singh, Member (Legal)

Briefly stated facts of the complaint applied for new electricity connection which the respondent has not released till date.

The complainant's grievance is that he applied for new electricity connection vide request no. 8005472589 under non-domestic category for a load of 1 KW at Shop No. 2, L-70A, Dilshad Garden, Delhi but respondent has not released the new connection till date. Therefore, he requested the forum to direct the respondent for immediate release of the new connection.

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Notice was issued to both the parties to appear before the Forum on 12.07.2022.

The respondent submitted their reply stating therein that the complainant applied for new electricity connection vide order no. 8005472589 at L-70A, Shop No. 2, Dilshad Garden, Delhi-92 near campus showroom in name of Chandra Prakash Pandey. It is also their submission that during site verification it was found that there is property dispute on the applied property accordingly complainant was intimated vide deficiency letter dated 01.04.2022. Respondent further added that litigation is pending between both the parties as complainant filed copy of interim orders of Karkardooma Court and the objector Chaman Lal Kalra in his complaint submitted in division office on 28.03.2022 has also stated that a case is pending between him and his tenant Chandra Prakash Pandey in Karkardooma Court. Respondent further added that there are pending dues of Rs. 5350/- against CA No. 101286375.

The matter was listed for hearing on 12.07.2022, when both the parties were present. Forum noted that some property dispute is going on in some commercial court where application for new connection cannot be submitted. Respondent was directed to explore possibility to release the connection to the complainant on the basis of possession of the property by the complainant.

The matter was finally heard on 26.07.2022, when arguments of both the parties were heard and matter was reserved for orders.

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 applied for new electricity connection vide application no. 8005472589 but respondent rejected his application for new connection on pretext of property dispute.

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- That there is dispute between Sh. Chaman Lal Kalra owner of the property and the complainant Chandra Prakash Pandey who is tenant in the said property.
- It is also submitted that a Commercial Suit is also pending between both the landlord and the tenant.

In view of above, we opined that the complainant is in possession of the applied premise having address L-70A, Shop No. 2, Dilshad Garden, Delhi-92.

Also, As decided by Hon'ble Calcutta High Court, 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.

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.

- Therefore, we are of considered opinion that since complainant is in possession and he has every right for electricity which is an essential commodity.
- The respondent is directed to release the new connection to the complainant. Respondent is further directed to release the pre-paid meter for the new connection till the disposal of Commercial Suit between the landlord and tenant.
- Respondent is also directed to file compliance report within 21 days from the release of this order.

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Case is disposed off accordingly.

No order as to the cost. A copy of this order be sent to both the parties and file be consigned to record room thereafter. The order is issued under the seal of CGRF.


(NISHAT AHMAD ALVI)
MEMBER (CRM)


(VINAY SINGH)
MEMBER (LAW)