

C A No. Applied for
Complaint No. 484/2024

In the matter of:

Deepak ChaudharyComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. H. S. Sohal, Member

Appearance:

1. Mr. Suraj Aggarwal, Counsel of the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 06th January, 2025

Date of Order: 15th January, 2025

Order Pronounced By:- Mr. P.K. Singh, Chairman

1. The present complaint has been filed by Mr. Deepak Chaudhary against BYPL-Paharganj.
2. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connection vide order no. 8007123789 at premises no. 2/25-E, Upper Ground, Kh. No. 269, Prem Gali, East Babarpur, Delhi-110032.

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Attested True Copy


Secretary
CGRF (BYPL)

The complainant also requested for either release of new electricity connection or restoration of earlier installed connection having C Ano. 153259409. The application of complainant was rejected by OP mentioning that there are pending dues against CA no. 100047789 and same site EDMC booking.

3. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking a new domestic connection for premises bearing no. Upper ground, Kh. No. 269, 2/25-B, Prem Gali, East Babarpur, Delhi vide request no. 8007123789 and the application of the complainant was rejected on the grounds of applied address is under MCD booking list dated 18.09.2015 @ sl. no. 76. The booking is in shape of unauthorized construction at stilt, GF, FF and TF with projection of Mpl. Land. Accordingly, for release of new electricity connection, the complainant needs to file a legal BCC.
4. The Complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that he has applied for new connection on the upper ground floor and his floor is not mentioned in the MCD booking list. Rejoinder further states that in the year 2021, OP released a connection on the same floor vide CA no. 153259409 which was disconnected on account of non-payment of dues. It is also submitted that OP has released another connection in the adjoining building having same address and same floor vide CA no. 153546247 on 17.11.2021.
5. Heard arguments of both the parties at length.

During the course of arguments, the complainant argued that he has purchased the property from bank, thus the MCD booking is not valid.

by *SC* *V*

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6. From the narration of facts and material placed before us we find that the premise where the complainant has applied for new electricity connection is purchased by him via bank auction. We also find that the building where the premise of the complainant is an old construction where already a connection was energized and same was disconnected years ago. The site visit report submitted by OP shows that already connections are installed in the entire building. There is a connection on UGF which was energized on 17.11.2021. The site visit report also shows site map which shows that on GF there is parking, then UGF, 1st F, 2nd F and 3rd floor, whereas MCD booking shows unauthorized construction at stilt, GF, FF and TF with projection on mlp land. From the booking details, it is clear that UGF and SF are not booked by MCD. Electricity connections are also energized not only on UGF and Second Floor but in the entire building.
7. Water and electricity are integral part of right to life. Hon'ble Supreme Court in the matter of Dilip (Dead) LR vs Satish, in case no. SCC online SC810 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.
8. 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 MCD takes any action against the encroached property then OP should be at liberty to disconnect the supply of the complainant.

ORDER

Complaint is allowed. 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 against the illegal construction, OP is free to disconnect the new electricity connection.

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.


(H.S.SOHAL)
MEMBER


(P.K. AGRAWAL)
MEMBER (LEGAL)


(P.K.SINGH)
CHAIRMAN