

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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SPCY/CHIN DISORNKES

C A No. Applied For
Complaint No. 14/2025

In the matter of:

Faisal KhaliqComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Saleem Khan, A.R. of the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 08th May, 2025

Date of Order: 20th May, 2025

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

1. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connections at premises no. 12A/107, old no. 317 & R-12, Khasra No. 318, Main Road no. 66, Gali no. Jamalu ka Bagh, Delhi-110053, vide request no. 8007294774, 8007294778 and 8007294783. The applications of complainant were rejected by Opposite Party on the grounds of MCD objection, NOC verification pending, 3rd floor no activities at site.

Attested True Copy

Secretary
CGRF (BYPL)

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2. The respondent in reply briefly stated that the complainant is seeking new electricity connections at premises no. 12A/107, old no. 317 & R-12, Khasra No. 318, Main Road no. 66, Gali no. Jamalu ka Bagh, Delhi-110053, vide request no. 8007294774, 8007294778 and 8007294783. The applications of the complainant seeking new domestic connections were declined due to :
 - a) Architect certificate required for 4th floor connection i.e. applied premises.
 - b) BCC/NOC from MCD required for MCD since RTI reply cannot be constructed as a substitute of BCC and if the building has been made in accordance with sanctioned plan, BCC must have been obtained which needs to be furnished before this Hon'ble Forum.
 - c) Affidavit for the usage of existing no floor electricity connection vide meter bearing no. 35597995 is required to be submitted by the complainant.
 - d) Complainant needs to file complete chain of title documents as the same has not been filed with the present complaint.

Hence, violative of the provision of Electricity Act & Regulations framed in respect thereto i.e. Delhi Electricity Regulatory Commission (Supply Code and Performance Standards) Regulations 2017.

3. The complainant in its rejoinder submitted that his premise is not booked by MCD as the complainant has filed RTI reply dated 25.09.2024. The complainant also submitted property documents as demanded by OP and also submitted that OP earlier also on 14.11.2024 has released a new electricity connection at first floor in the same premises. The MCD booking which OP is relying upon is of the year 2016 and in 2024 OP has released a connection in the same premises.

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4. From the narration of facts and materials placed before us we find that the complainant applied for new electricity connections vide request no. 8007294774, 8007294778 and 8007294783 at premises no. 12A/107, old no. 317 & R-12, Khasra No. 318, Main Road no. 66, Gali no. Jamalu ka Bagh, Delhi-110053 which were rejected by OP on grounds of BCC/NOC, since RTI reply filed by complainant cannot be considered constructive, affidavit for usage of existing no floor electricity connection vide meter bearing no. 35597995, Architect Certificate required for 4th floor connection and complainant needs to file complete chain of property documents.

Regarding the first objection of OP, that RTI cannot be considered, in this regard we find that the RTI filed by complainant is clearly mentioning that the property no. 12A/107, old no. 317 & R-12, Kh. N. 318, Main Road no. 66, Galil no. 1, Jamalu ka Bagh, Maujpur, Delhi-110053 is not booked against unauthorized construction.

Regarding the second objection of OP, regarding filing of affidavit for usage of existing meter with no floor mentioned. The complainant is directed to file the same.

Regarding the other objection of OP for filing complete chain of property documents, the complainant in open court has produced the original property chain which has been perused by the OP.

Regarding submission of Architect Certificate for connection on 4th floor, the complainant is directed to also file the same.

We also find that OP in the year 2024 has granted a non-domestic connection on 1st floor of the same property without any BCC, therefore OP's objection that the property in question is booked by MCD cannot be relied upon and also taking cognizance of the RTI reply filed by the complainant.

Therefore, the request for complainant for grant of new electricity connections cannot be denied.

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5. 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.

6. In the facts and circumstances aforesaid, we are of the view that the OP has failed to submit any conclusive and authentic proof that the said premises is booked by MCD. 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 in future MCD takes any action against the his property then OP should be at liberty to disconnect the supply of the complainant.

ORDER

The complaint is allowed. Respondent is directed to release the new connections applied by complainant vide applications no. 8007294774, 8007294778 and 8007294783 at premises no. 12A/107, old no. 317 & R-12, Khasra No. 318, Main Road no. 66, Gali no. Jamalu ka Bagh, Delhi-110053, after submission of Architect certificate for 4th floor connection and an affidavit regarding no floor connection and completion of all the other 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.

S. S. by J.P.
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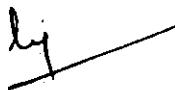
This Order shall be complied within 21 days of the receipt of the certified copy or from the date it is uploaded on the Website of the Forum; whichever is earlier.

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)


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


(P.K. SINGH)
CHAIRMAN
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