

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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SECY/CHN 015/08NKS

C A No. Applied for Complaint No. 213/2022

In the matter of:

Hamida BiviComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmad Alvi, Member (CRM)
3. Mr. P.K. Agrawal, Member (Legal)
4. Mr. S.R. Khan, Member (Technical)

Appearance:

1. Mr. Vinod Kumar, Counsel of the Complainant
2. Ms. Ritu Gupta, Mr. Imran Siddiqi, Ms. Shweta Chaudhary & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 31st January, 2023

Date of Order: 06th February, 2023

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

1. This complaint has been filed by Ms. Hamida Bivi, against BYPL-CCK.
2. The brief facts of the case giving rise to this grievance are that complainant Ms. Hamida Bivi purchased premises no 136/1377, Parti Right Side, 1st floor, Masjid Tehwar Khan, Naya Bans, Delhi-6 on

C. S. 4/V 1 of 4

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20.03.2014 and said building is old construction which is constructed upto 5t floor. Thereafter, she applied for new electricity connection in the said flat for domestic category vide application no. 8005778901 dated 29.06.2022 but respondent rejected her application for new connection on the pretext of address in MCD objection list : Premises under MCD objection/disconnection list as per clause no. 11 (2-IV) of DERC supply code.

3. The respondent in reply briefly stated that the complainant applied for fresh electricity connection vide request no. 8005778901 for domestic purpose at building bearing no. 136/137, Part Right Side, First floor, Masjid Tehwar Khan, Delhi-11006. The new connection was not granted on account of MCD objection.

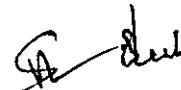
OP further submitted that the complainant insisted that the property now is not in MCD objection list as such respondent has issued a letter to MCD to confirm as to whether the property bearing new connection is sought is in objection list or not. The reply to the same is still awaited.

Apart from this the complainant is required to pay pro-rata outstanding dues of Rs. 1176/- against CA No. 150225140.

4. Heard both the parties and perused the record. Heard the arguments of Authorized Representative of the complainant and OP-BYPL.

5. The main issue in the present case is whether the connection can be released in the premises booked by MCD or not.

6. Representative of the complainant argued that her premises are not booked by MCD. Moreover, there are many plots/property having building number 136-137. In the last few years OP has also installed new connections in the subjected premises, therefore, his property is not booked by MCD.

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7. On the other side, LR of OP filed list which shows that the premises of the complainant are booked by MCD.
8. Heard both the parties and perused the record. From the perusal of evidence placed on record pleadings and after hearing both the parties it is transpired that OP has provided list of MCD booking but the said list is excel sheet only which have no MCD order number or Sections under which the premises are booked. Despite sufficient opportunities, OP could not file order of MCD passed under Section 343 & 344 of DMC Act 1957.
9. Since, 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.
10. In the present circumstances and absence of the relevant record i.e. MCD order of booking premise of the complainant, we are of the considered opinion that complainant cannot be deprived of his right to the electricity.
11. 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.

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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.

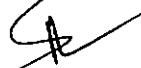
The OP is also directed to file compliance report to this office within 21 days from the issue of this order.

Accordingly, the case is disposed off.

No order as to the cost. Both the parties should be informed accordingly. Proceedings closed.


(NISHAT A. ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN
12/2/23