



C A No. Applied For
Complaint No. 72/2024

In the matter of:

Imran KhanComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Akash Ruhela, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal, on behalf of respondent

ORDER

Date of Hearing: 18th April, 2024
Date of Order: 01st May, 2024

Order Pronounced By:- Mr. Nishat A Alvi, Member (CRM)

1. The complaint has been filed by Mr. Imran Khan against BYPL-Yamuna Vihar. The brief facts of the case giving rise to this grievance are that Mr. Imran Khan applied for new electricity connection vide request no. 8006704821 at premises no. M-56, 2nd Floor, Kh No-101, Gali No-14, Brahmpuri Delhi-110053, but respondent rejected the application of the complainant for new connection on the pretext of

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MCD Objection and NOC or completion cum Occupancy Certificate required, but complainant stated that the respondent has released many connections at the aforesaid address and installed the meter vide CA No- 101513389, 101231356, 151974155 and 152755223. Therefore, he requested the forum to direct the respondent for release of new connection.

2. OP in its reply briefly stated that the complainant is seeking fresh domestic electricity connection at second floor of property bearing no. M-56, 2nd Floor, Kh No-101, Gali No-14, Brahmpuri Delhi-110053, vide request no. 8006704821 the deficiency letter was issued for the reason as applied address was found in MCD objection list forwarded to respondent vide letter no. EE(B)-II/SH-N/2015?D-279 dated 26.05.2015. The subject property is mentioned at serial no. 52. As per the said list unauthorized construction is in the shape of U/C at Third floor, Fourth floor with projection on Mpl. Land (G.F., F.F., S.F. already booked).

Reply further submitted that applied building consists of ground plus four floors over it. In the subject building already four connections are existing. Regarding existing connections, the said connections were granted prior to year 2018 after following the process of law. The details of existing connection are as under:-

| S. No. | Meter No. | D.O.E | Floor | Category |
|--------|-----------|-------|--------------|----------|
| 1. | 11690165 | 1990 | No Floor | NX |
| 2. | 11650275 | 2010 | Ground Floor | DX |
| 3. | 25276132 | 2001 | Third Floor | DX |
| 4. | 25218539 | 2015 | Fourth Floor | DX |

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Regarding electricity meter at serial no. 4 name change was carried out in respect of the same and after name change the CA No. and energization year changed to CA No. 151660360 and year 2019.

3. In response to the reply the complainant filed rejoinder the complainant has applied new electricity connection on second floor of premises bearing no. M-56, 2nd Floor, Kh No-101, Gali No-14, Brahmpuri Delhi-110053. It is submitted that complainant is not aware that the property was booked by the MCD. It is further submitted that the complainant purchase the property on 24.08.2016 and after that he applied the new connection and same was energized vide CA No. 151974154 on 24.02.2017 and at the time of release of the connection OP did not raise any objection. It was further submitted that the complainant gave his property on rent and tenant did not pay the regular consumption bill and due to non-payment of the regular consumption bill respondent removed the meter. It is submitted that OP changed the name of registered consumer vide CA no. 151660360 in the year 2019 and at that time also OP did not raise the objection of MCD booking.
4. Arguments were heard and records were perused.
5. As per pleadings and the arguments of both the parties, complainant's plea is that he was not aware of any MCD booking, further stating that after purchasing subject property on 24.08.2016 he was granted fresh electricity connection in the year 2017. At that time no such MCD booking objection was raised by the OP. Not only this even thereafter in the year 2019 OP has changed the name of another consumer without raising any such MCD objection of the year 2015.

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6. OP's plea is that though the subject premises were booked in 2015 but it was only in the year 2018 that Hon'ble High Court of Delhi by way an order, passed in Parivartan Case directed the OP not to release the connections in MCD booked premises, and not earlier. Therefore, it was only prior to 2018 that new connections were released by the OP and not thereafter. Regarding 2019 connection OP states that it was only a name change matter with respect to the connection already granted. Therefore, the objection of MCD booking was not raised therein.
7. Going through the booking letter of MCD dated 26.05.2015; we find that OP was directed to disconnect the supply of the booked premises. OP's letter dated 19.06.2015 to the MCD shows that though it was ready to disconnect the booked premises but required the help of MCD as well as the police to comply the directions. This letter of the OP has not even responded to by the MCD till date. ^{4th} ~~and~~ Not only that, the OP is unable to disconnect the supply of electricity in the booked premises but have also given fresh connections to the complainant himself as well as changed the name of another consumer even after the booking of the subject premises. We also find that there is also no fresh notice/reminder of booking on behalf of the MCD till date even after passing of eight years.

We have gone through a judgment passed by Hon'ble Supreme court in the matter of Dilip (dead) LR Vs Satish, in the case no. SCC 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.

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8. While in the similar circumstances the other consumers are enjoying the electricity but the complainant is deprived off his fundamental right of his electricity, the basic amenity as held by the Hon'ble Supreme Court of India and the principle of equity before law of equal protect of law in the spirit of the constitution is being violated.

We also find that infact the complainant is an old consumer of the year 2017 and actually the present request for new connection is restoration of disconnected connection.

9. All the above conditions raise the question of booking by MCD as on date. Therefore, in our considered opinion it is advisable that OP may write to the MCD requiring status of the subject booking as on date by giving 15 days notice to it. If MCD confirms the booking no fresh connection can be granted unless NOC or the BCC from MCD is produced by the complainant. In case there is no response from MCD, within notice period, complaint may be granted subject to the condition of complainant's undertaking, by way of an affidavit, thereby stating that as and when MCD takes any action against the subject premises OP shall be free to disconnect the same and complainant shall have no objection there for.

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ORDER

Complaint is allowed with the condition that in case of no response of MCD of aforesaid 15 days notice the OP shall release the connection applied for, subject to the undertaking by way of sworn affidavit by the complainant that as and when MCD so requires, OP shall be free to disconnect the electricity connection so released and complainant shall have no objection for the same.


OP is further directed to file compliance report within 21 days from the date of this order.

The case is disposed off as above.

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


(NISHAT A ALVI)
MEMBER (CRM)


(P.K AGRAWAL)
MEMBER (LEGAL)


(S.R. KHAN)
MEMBER (TECH)


(P.K. SINGH)
CHAIRMAN

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