

C A No. Applied For  
Complaint No. 526/2024

In the matter of:

Jyoti Swami

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

1. Mr. Neeraj Kumar, Counsel of the complainant
2. Mr. Akash Swami, Mr. R.S Bisht & Mr. Akshat Aggarwal, on behalf of respondent.

ORDER

Date of Hearing: 27<sup>th</sup> February, 2025

Date of Order: 03<sup>rd</sup> March, 2025

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

1. The present complaint has been filed by Jyoti Swami against BYPL- G.T. Road.
2. The brief facts of the case giving rise to this grievance are that the complainant applied for New electricity connection vide request no. 8007154921 at premises no. B-36/6, Second floor, Jhilmil area, Shahdara, Delhi-110095.

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CGRF (BYPL)

Complaint No. 526/2024

The application of complainant was rejected by Opposite Party (OP) BYPL on the grounds of MCD objection and no activity found at site.

3. The respondent in reply briefly stated that the complaint has been filed by the complainant seeking new electricity connection under NX category vide request no. 8007154921 at premises B-36/6, second floor with roof rights Jhilmil Industrial Area, Shahdara, Delhi-110095. The application of the complainant was rejected as applied address is under MCD booking letters on multiple occasions vide dated 09.11.2017, 01.04.2019, 23.01.2020, 26.12.2017 and 17.11.2017 were issued.

Reply further states that the complainant relies upon the court order dated 05.08.2023; however the said order is not a certified order and without the authentic stamp of validity by the Hon'ble Court same cannot be taken into consideration.

Hence, violation of the provisions of electricity act & regulation framed in respect thereto i.e. Delhi electricity regulatory commission,

4. Heard arguments of both the parties at length.
5. The complainant placed on record order of a Forum in the matter of Sruti Saraff Vs BYPL which pertains to the first floor of same premises i.e. 36/6, Jhilmil Industrial Area, Shahdara, Delhi-110095 against request no. 8007154926.
6. Since this Forum has already released the connection on the first floor of same property vide above stated order. Therefore, the connection applied for by the complainant in the present case on second floor can also be released on the same grounds.

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Complaint No. 526/2024

Therefore, OP is hereby directed to grant the applications of the complainant for electricity connections in the applied premises.

7. 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.
8. 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 if in future MCD takes any adverse action against the his property then OP should be at liberty to disconnect the supply of the complaint.

ORDER

The complaint is allowed. Respondent is directed to release the new connections applied by complainant vide application no. 8007154921 at premises no. B-36/6, second floor, Jhilmil Industrial Area, Shahdara, Delhi-110095 after completion of all the 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.

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.

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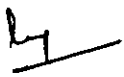
Complaint No. 526/2024

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

4 of 4

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CGRF (BYPL)