



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

Phone: 32978140 Fax: 22384886

E-mail:cgrfbyp@hotmai.com

SECY/CHN 015/08NKS

C A No. Applied For Complaint No. 158/2022

In the matter of:

Kavita DeviComplainant

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 (Technical)

Appearance:

1. Mohd. Afsar, Representative of the complainant
2. Mr. Imran Siddiqi, Ms. Ritu Gupta, Mr. Sachin Dubey, Mr. Shubham Singh & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 03rd January, 2023

Date of Order: 06th January, 2023

Order Pronounced By:- Mr. S.R. Khan, Member (Technical)

1. This complaint has been filed by Ms. Kavita Devi, against BYPL-YVR.
2. The brief facts of the case giving rise to this grievance are that complainant Ms. Kavita Devi is residing at A-12, Kh. No. 76, Shastri Park, Delhi-110053 and applied for new electricity connection vide

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application no. 8005463426 but respondent company rejected her application for new connection on pretext of outstanding dues. It is also her submission that the dues pertains to different premises.

3. The respondent in reply briefly stated that the complainant applied for new electricity connection vide application no. 8005463426 in the name of Mrs. Kavita Devi at H.No. A-12, Kh. No. 76, Second Floor, Gali No. 2, Plot no. 19, Shastri Park, Delhi-110053 on 07.02.2022.

On site verification it was found that the enforcement and energy dues are outstanding against the premises sought to be electrified.

4. Heard both the parties and perused the record.

5. The issue is whether new connection can be released in the premises where enforcement dues are pending.

6. The Authorized Representative of the complainant has argued that he applied for new electricity connection vide request no. 8005463426 at premise no. A-12, Kh. No. 76, second floor, gali no. 2, plot no. 19, Shastri Park, Delhi-110053, but OP raised objection that dues are pending against the said premises. He further submitted that they have cleared all the energy and enforcement dues pertaining to their portion. The enforcement dues which OP is asking for payment pertains to the third floor of the building and they have applied for new electricity connection on the second floor.

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7. Legal Representative of the BYPL has argued on basis of evidence available on record. They submitted that the dues on the third floor of the subjected premises pertains to complainant as the occupants on the other floors of the subjected premises are in relation to the complainant therefore, the complainant is liable to clear all the dues before the release of the new connection.
8. From perusal of the record placed before us and pleadings of both the parties we observe that the OP submitted site inspection report regarding the disputed enforcement bill having bill no. YMENF230820160039A0 dated 23.08.2016 which pertains to third floor of the building whereas the complainant has applied for new electricity connection on the second floor of the building.
Now, the question arises here whether the theft/enforcement dues can be asked from/recovered from the other portions or occupants of the building.
Since the evidence provided by the OP is related to third floor of the building therefore, it does not substantiate that the premises and owner of third floor and second floor are same.
Also, the re-visit site verification report submitted by the OP dated 24.11.2022 shows that already four meters are installed in the other portions of the building. If the occupants of the building are in relation with each other then why OP has released the connections to the other occupants of the building and why not have asked them to clear the pending enforcement dues.

9. Since, water and electricity are integral part of right to life. Hon'ble Supreme Court in the case of Dilip (Dead) LR vs Satish, SCC online SC810 dated 13.05.2022 has held that electricity is basic amenity which a person cannot be deprived off.

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10. Therefore, we are of considered opinion that respondent should release the new connection to the complainant.

ORDER

Complaint is allowed. Respondent is directed to release the connection applied by complainant after completion of all the commercial formalities.

OP is also 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.
Proceedings closed.


(NISHAT A. ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


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

6/6/2022
[Signature]

(P.K. SINGH)
CHAIRMAN