

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. 369/2024

In the matter of:

Kosar Jahan

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

1. Ms. Sakshi Sharma, Counsel of the complainant
2. Mr. Akash Swami & Mr. Lalit, on behalf of respondent.

ORDER

Date of Hearing: 12th November, 2024

Date of Order: 21st November, 2024

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

1. The brief facts of the case giving rise to this grievance are that Ms. Kosar Jahan applied for new connection vide request no. 8006954515 at premises no. M-10, Old No. M-9, Flat No. C-3, 3rd Floor, Khasra No.-1 ETC/92 & 1/92 Mandir Wali Gali No. 13, Brahmpuri, Delhi-110053, but respondent rejected the application of the complainant for new connection on the grounds of MCD Objection but complainant stated that she is residing at the above mentioned address sine long time.

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2. OP in its reply briefly stated that the complainant is seeking new electricity connection for the premises bearing address M-10, Old No. M-9, Flat No. C-3, 3rd Floor, Khasra No.-1 ETC/92 & 1/92 Mandir Wali Gali No. 13, Brahmpuri, Delhi-110053 vide application no. 800954515.

That upon inspection of the said premises, it was discovered that there are several deficiencies which are in direct violation of the DERC Regulations. The deficiencies which were discovered upon inspection viz a viz the applied premises are being stated herein below.

- a) Respondent submit the factum of MCD booking has also not been denied by the complainant in her compliant which makes this fact as an admitted fact which need not to be proved accordingly MCD booking.
- b) Respondent submitted that the complainant has failed to demonstrate that the applied premises is constructed as per the prevalent bye-laws as no valid BCC is being filed by the complainant which is a precondition for grant of new connection as per the regulations enumerated in the Delhi electricity regulatory commission.
- c) Respondent further submits the complainant has to file appropriate NOC, BCC Architect Certificate etc.
- d) Respondent submits in terms of law laid down by the Hon'ble high court of Delhi in catena of judgments and also view of the objection list circulated by MCD, the respondent is refrained from granting fresh electricity connection in the premises which are in the MCD objection list as in the present case of the complainant.

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3. In response to the reply the complainant filed rejoinder and reiterated her original complaint and denied the allegations of OP. Rejoinder submitted that the premises in which the complainant is residing is an old building constructed around 8-10 years ago and she purchased this flat on 07.12.2023 and there are many electricity connections running since long despite MCD booking in the year 2014. It is further submitted that the complainant is having one flat on third floor and total three flats are situated on the third floor and out of three flats, two flats have electricity connection. The details of two flats in which electricity connections are running as under.

S No.	Name	Address	Energisation date	CA No.
1.	Mohd Kalam	M-10, 3 rd Floor(Floor Old No. M- 9) Kh. No. 1/192, Flat No. B-3, Gali No. 13, Braham Puri, Delhi- 53	25.01.2015	1513420 69
2.	Amna Begum	M-10, 3 rd Floor(Floor Old No. M- 9) Kh. No. 1/192, Flat No. B-3, Gali No. 13, Braham Puri, Delhi- 53	23.06.2015	1514978 87

Keeping in view the above mentioned details of the other occupants of the third floor, the complaint is required domestic electricity connection for her domestic use only.

4. Heard and perused the record.
5. From the narration of facts and material placed before us we find that the application of the complainant for new connection was rejected by OP on ground of building booked by MCD.

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In support of their contention OP placed on record screen shot of website of AdvocatesDelhi.com, showing that building no. M-1 is appearing in MCD unauthorized construction in Delhi.

During the arguments, OP was asked to file authentic MCD booking list, which OP failed to submit.

6. In the absence of authentic MCD booking list, we cannot deprive complainant the new electricity connection. Moreover, there are multiple connections released by OP in the applied building which is also evident from the IR submitted by OP itself. Also, Water and electricity is integral part of right to life. 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.

7. Therefore, in view of the above, we are of considered opinion that in the absence of authentic proof of MCD booking, the complainant cannot be deprived off her right to basic amenity to life. Thus, 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.

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ORDER


Complaint is allowed. Respondent is directed to release the new connection applied by after completion of all the commercial formalities and after submitting the undertaking by the complainant regarding the fact that whenever MCD in future take any adverse action, OP is free to disconnect the new electricity connections.


This Order shall be complied with 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 the instant Order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order.

If the Orders are not appealed against within the stipulated time or no interim stay thereon has been granted by the Ombudsman, the same shall be deemed to have attained finality.

Any contravention of these Orders is punishable under Section 142 of the Electricity Act 2003.


(NISHAT A ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


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

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