



C A No. Applied for
Complaint No. 352/2024

In the matter of:

Kunal Prakash

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P. K. Singh (Chairman)
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. S.R. Khan, Member (Technical)

Appearance:

1. Mr. Imran Ul Haq Siddiqi, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. Lalit & Ms. Chhavi Rani, On behalf of BYPL

ORDER

Date of Hearing: 28th November, 2024

Date of Order: 02nd December, 2024

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

1. As per the complaint, the complainant applied for new electricity connection vide request no. 8006996937 at his premises no. S-504, ground floor, shop, School Block, Shakarpur, Laxmi Nagar, Delhi-110092, but respondent rejected his application for new connection on grounds of meter already exists. The complainant alleged that allegation of the OP is false as the connection already exists is in other shop. He further submits that there was a connection in his shop vide CA no. 151511866 which was disconnected in December 2023.

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CGRF (BYPL)

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2. OP in its reply briefly stated that the complainant applied for new NX connection vide request no. 8006996937 at shop bearing no. S-504, School block, Laxmi Nagar, Delhi-110092. During site visit, it was found that building where new connection under NX category has been applied consists of ground floor and four floors over it. On ground floor four units exists i.e. two flats and two shops and all the four units are electrified vide four meters having no. 701311053, 70203166, 17480637 and 35019559. The subject shop is already electrified vide meter no. 70203166 registered in the name of Sh. Narayan Sab for non-domestic purpose. In total 19 connections exists in the applied building.

Reply further states that as alleged by the complainant a connection bearing CA no. 151611865 was installed in the subject shop and was disconnected in December 2023 on account of non-payment of dues and hence, in lieu of disconnected connection, he is entitled for new connection. In this regard, OP stated that the connection with CA no. 151611865 was registered in the name of Archana Singh, and was energized in the year 2015 in respect of property of 50 sq yards at ground floor for commercial purpose.

As per the current site visit report, the applied shop is of 15 sq. yards out of total plot size/building area of 200 sq. yards.

3. In response to the reply, the complainant in its rejoinder refuted the contentions of respondent as averred in their reply and stated that as per reply of OP there are four connections at ground floor of applied building and out of four connections, three connections are of domestic category and one is of NX category. The NX connection is being used at other shop on the ground floor and the complainant is not using supply form any domestic connection in his shop.

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4. During the course of arguments, both the parties were directed to conduct joint site visit. As per joint site visit report dated 06.11.2024, the applied building structure is G+4. On ground floor two shops and two flats exist, i.e. total four units. Meter no. 70311053 and 35019559 used for domestic purpose, meter no. 70203166 is used for commercial purpose in shop and meter no. 17480637 is used for lift purpose.
5. Heard arguments of both the parties at length.
6. From the narration of facts and material placed before us we find that the connection in the name of Archana Sinha vide CA no. 151611865 was not in use since 2022, later on same was disconnected by OP. OP has not placed any details of the disconnected connection. From the site visit report, it is clear that the four connections at the ground floor are being used and none of the connection is lying idle and being used by the complainant in his shop. There are two shops on the ground floor and only one NX connection is there. Therefore, we don't find any hurdle in releasing the new commercial connection to the complainant.
7. 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.



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ORDER


The complaint is allowed. OP is directed to release the new electricity connection to the complainant as applied for by him vide request no. 8006996937 at his premises no. S-504, GF, Shop, School Block, Shakarpur, Delhi-110092 after completion of other commercial formalities as per DERC Regulations 2017.

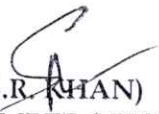
This Order shall be complied within 21 days of the receipt of the certified copy or from the date it is uploaded on the Website of the Forum; whichever is earlier.

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.


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN

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