



C A No. Applied for
Complaint No. 504/2024

In the matter of:

Lata Rath

.....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)
4. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Neeraj Kumar, Counsel of the complainant
2. Mr. Prashant Sharma, Mr. R.S. Bisht, Mr. Akshat Aggarwal & Ms. Chhavi Rani, On behalf of BYPL

ORDER

Date of Hearing: 19th December, 2024

Date of Order: 23rd December, 2024

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

1. The brief fact of the case giving rise to this grievance is that the complainant applied for a new electricity connection at premises no. 1/2570-B, 3rd floor, Ram Nagar, Shahdara, Delhi-110094, vide request no. 8007142275. The application of complainant was rejected by OP on the pretext of MCD Objection but complainant stated that OP has recently released three new connections in the same premises; hence the MCD objection raised by OP is not justified.

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2. The respondent in reply briefly stated that the present complaint has been filed by the complainant seeking new electricity connection at the third floor of the property bearing no. 1/2570-B, Ram Nagar, Shahdara, Delhi-110094, vide request no. 8007142275. The application of the new connection was rejected on the ground that the applied premises is booked by MCD vide its letter bearing no. EE(B)-II/SH-N/2023/D-275 dated 19.12.2023 to the respondent company. The property of the complainant is mentioned at sl. no. 12.

Regarding the earlier released connections bearing CA no. 154320380, 154320382 and 154320383 were energized before the MCD list received in the office of the complainant. Reply further added that the MCD letter bearing no. EE(B)-II/SH-N/2023/D-275 was served to OP on 27.12.2023 and the connections were energized on 23.12.2023.

3. The complainant was given three chances to file his rejoinder upon the reply of OP on dated 21.11.2024, 05.12.2024 and 17.12.2024. The complainant on 17.12.2024 moved an application that he does not want to file any rejoinder. The matter was put up for final arguments on 19.12.2024.
4. Arguments of both the parties were heard.
5. From the narration of facts and material placed before us we find that the complainant's property is appearing at sl. no. 12 of MCD booking list dated 19.12.2023. The booking details mention that the "unauthorized construction in the shape of chajja/deviation at stilt, GF, FF and SF and third floor, SBP I.D. no. 20003177". The property of the complainant is not totally booked and MCD in its letter has clearly mentioned that there is Deviation from SBP ID No. 20003177 from stilt

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to third floor, which shows that there is some deviation in construction from the Sanctioned Building Plan. The entire construction is not unauthorized.

Since other floors of the building have separate electricity connections and only portion of the complainant is without electricity therefore, in the interest of justice the complainant cannot be deprived off with his right to basic amenity.

6. Water and electricity are integral part of right to life. Hon'ble Supreme Court in the matter of Dilip (Dead) LR vs Satish, in case no. SCC online SC810 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. We are of the view that the 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 MCD takes any action against the encroached property then OP should be at liberty to disconnect the supply of the complainant.

ORDER

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

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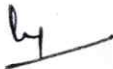
This Order shall be complied within 21 days of the receipt of the certified copy or from the date it is uploaded on the Website of the Forum; whichever is earlier.


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.


(H.S. SOHAL)
MEMBER


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN

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