



C A No. Applied for  
Complaint No. 285/2024

In the matter of:

Laxmi Chand Gupta

.....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. Nishikant Ray, Counsel of the complainant
2. Mr. Deepak Pathak, Mr. R.S. Bisht, Mr. Akshat Aggarwal & Mr. Lalit, on behalf of respondent

ORDER

Date of Hearing: 01<sup>st</sup> August, 2024

Date of Order: 06<sup>th</sup> August, 2024

Order Pronounced By:- Mr. H.S. Sohal, Member

1. The brief facts of the case giving rise to this grievance are that the complainant applied for two new electricity connections at premises no. A-31/105, F, S/F, Kh. No. 379, Shastri Marg, Maujpur, Delhi-110053, vide requests no. 8006803767 & 8006816594. The application of complainant was rejected by Opposite Party (OP) BYPL on the pretext of Removal of existing meter required, MCD Objection, NOC or Completion and Occupancy Certificate required.

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CGRF (BYPL)

Complainant No. 285/2024

2. The respondent in reply briefly stated that the present complainant has been filed by complainant seeking for two new connections at premises A-31/105, S/F, Shastri Marg, Maujpur, Delhi- 110053, vide requests no. 8006803767 & 8006816594. The application of the new connection was rejected on account of property is in MCD Objection list of unauthorized construction Vide letter no. 283/B-II/UC/SH-N/2014 dated 10.11.2014 at serial No. 61 in the shape of unauthorized construction at GF, FF, SF, TF & FF.

That upon inspection of such premises it was discovered that Applied Premises having issue of MCD since 2014 as there are multiple premises with the same address. It is only the MCD which can establish number whether the subject premises falls under the list of illegal construction or not. As applied premises requires NOC from MCD as earlier only temporary connection with CA No. 351372490 was issued to the said premises for construction purpose only as construction was done in 2023.


3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the property of the complainant is not booked by MCD on account of unauthorized construction. Rejoinder further stated that the MCD Booking in done in the year 2014, whereas the premises of the complainant are newly constructed in May 2023 and he owned the said property since 1985 through GPA. It is also submitted that there are multiple properties of the same address.

4. Heard arguments of both the parties were heard at length.

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5. From the narration of facts and material placed before us we find that the complainant applied for new electricity connections which OP rejected on pretext of building booked by MCD. OP stated that there are multiple premises of same address. It is not clear which address booked by MCD. Further the property has been constructed in 2023 as temporary connection was given by OP which is for new construction. Therefore in the present case benefit of doubt is to be given to the complainant and not to OP.
6. 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.
7. In the facts and circumstances aforesaid, 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 in future MCD takes any action against the property then OP should be at liberty to disconnect the supply of the complaint is allowed.

  
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Complainant No. 285/2024


ORDER


Complaint is allowed. Respondent is directed to release the new connections applied by complainant vide application no. 8006803767 & 8006816594 at premises no. A-31/105, F, S/F, Kh. No. 379, Shastri Marg, Maujpur, Delhi-110053 after completion of all the commercial formalities and after submitting the undertaking by the complainant regarding the fact that if in future MCD takes any action, OP will be free to disconnect the new electricity connections.


OP is further 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.

  
(H.S. SOHAL)  
MEMBER

  
(P.K. AGRAWAL)  
MEMBER (LEGAL)

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

  
(P.K. SINGH)  
CHAIRMAN

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