



C A No. Applied for
Complaint No. 271/2024

In the matter of:

Laxmi RanguComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. Nishat A Alvi, Member (CRM)
2. Mr. S.R. Khan, Member (Technical)
3. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Imran Ul Haq Siddiqi, Counsel of the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal, on behalf of respondent

ORDER

Date of Hearing: 10th October, 2024

Date of Order: 14th October, 2024

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

1. The brief facts of the case giving rise to this grievance are that the complainant applied for a new electricity connection at premises no. 11/376, Third Floor, Lalita Park, Laxmi Nagar, Delhi-110092, vide requests no. 8006922381. The application of complainant was rejected by Opposite Party (OP) BYPL on the pretext of Dues at site; Building height is more than 15 meter and address in MCD list.

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CGRF (BYPL)

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2. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking for a new connection at third floor (which is effective fourth floor) of the premises no. 11/376, Lalita Park, Laxmi Nagar, Delhi-110092, vide request no. 8006922381. The application of the new connection was rejected on account of Firstly; Same Site energy dues against CA No. 150258983. Secondly; Building height is more than 15 meters. Thirdly; Property is in MCD Objection list of unauthorized construction Vide letter no. EE(B)-II/SH(S)/2018/D-2751.

That upon inspection of such premises it was discovered that the applied premises which is having the structure as "Ground floor, Upper Ground Floor" and three floors and the height of the applied premises is more than 15 meters.

3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the dues which are sought from the complainant do not pertain to the premise of the complainant as the sequence number mentioned in the existing connections installed in the premises of complainant is LAP100753 and the sequence number of the connection CA No. 150258983 for which dues are being asked from complainant is LAP100754 and both sequence number are quite different and the complainant's applied floor and the pending bill floor are also different and complainant is ready to submit architect certificate for height of the building. Complainant stated that his premises not booked by MCD and no letter of MCD booking/objection issued by the MCD to BYPL has been attached by the respondent, which clearly shows that the respondent does not have any letter issued from the MCD.

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4. The complainant filed Architect Certificate which stated that building no. 11/376, Third Floor, Right Side, Lalita Park, Kh. 18, Laxmi Nagar, Delhi-110092 is comprised of Ground Floor, Upper Ground Floor, First Floor, Second Floor and Third Floor and the height of the building is less than 15 meter and is accordance with the building bye laws.
5. Heard arguments of both the parties.
6. From the narration of facts and material placed before us we find that OP raised three grounds for rejecting application of the complainant for new connection. Firstly; Same Site energy dues against CA No. 150258983. Secondly; Building height is more than 15 meters. Thirdly; Property is in MCD booking list. Regarding first objection of OP of energy dues against CA No. 150258983. This meter is installed on the first floor whereas complainant applied for new connection on third floor; also the building is old constructed and the complainant has no relation with the first floor, thus he is not liable to pay the dues of other portion of the property. Regarding second objection of building height, in this regard the complainant filed architect certificate which has been verified by OP. Regarding third objection of MCD booking, in this regard OP has not submitted any letter/list regarding MCD booking, thus this objection of OP does not substantiate.
7. Thus, the objection of the OP is no justified and we cannot deprive the complainant of his right to basic amenity of-life. Therefore, OP is hereby directed to grant the application of the complainant for electricity connection in the applied premises. Since, 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

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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.

8. Therefore, 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.

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.

(H.S. SOHAL)

Attested True MEMBER

(NISHAT A ALVI)
MEMBER (CRM)

(S.K. KHAN) 14/11/24
MEMBER (TECH.)

Secretary
CGRF (BYPL)