

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. 472/2024

In the matter of:

Lokesh Kumar

.....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. Akash Swami, Mr. R. S. Bisht, Mr. Lalit & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 12th December, 2024

Date of Order: 16th December, 2024

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

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. 14/53, MPL No. 2255, Ground Floor, Sarai Top Khana, H C Sen Road, Kauria Pul, Delhi-110006, vide request no. 8007036425. The application of complainant was rejected by Opposite Party on the pretext of No Kitchen set up found at site and incorrect category of tariff usage at site.

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Secretary
CGRF (BYPL)

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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 ground floor of the property bearing no. MPL No. 2255, 14/53, Sarai Top Khana, H C Sen Road, Kauria Pul, Delhi-110006, vide request no. 8007036425 (old) & 8007185766 (new). The application of the new connection for NX Shop was rejected on account of applied portion has permanent walls but the roof of tin shed which makes the structure unsafe and of temporary nature, Hence technical and structural safety is not made out for the grant of new connection.

Reply further added that the complainant has also not been able to establish his ownership qua the applied premises as no ownership/title documents has been filed with the complaint and connection has been applied under the NX category but no document qua the nature of business to be done at the applied premises neither the requisite permissions from the statutory authorities for doing the said commercial activity has been filed with complaint which also makes the complaint bad in law.

3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the complainant has applied on dated 26.06.2024 for new electricity connection for non-domestic purpose at shop at ground floor on applied property, vide application no. 8007036425, but respondent has wrongly mention in their reply vide request no. 8007158766. The applicant will use this shop as godam/store room for the scrap papers and shop is constructed only at ground floor and shop structure is safe and building structure is Ground+ Three Floor over it.

Complainant stated that he is owner of the applied shop and an ownership document has already been filed at the respondent office and before the Forum.

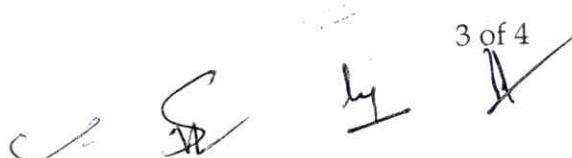
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4. Heard arguments of both the parties at length.
5. From the narration of facts and material placed before us we find that the complainant has applied for new electricity connection under NX category at shop but OP rejected same on grounds of tin shed. Forum is of the view that having tin shed should not be a logical reason to deny a connection to the complainant. Many structures these days have tin shed as roof.

Therefore, the objection of OP is not 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 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. We don't find any hindrance in granting new electricity connection to the complainant.

The only requirement this Forum feels is filing of Trade License from the competent authority by the complainant is necessary for release of commercial or NX connection to prove the purpose of the shop. Therefore, the complainant should file Trade License for release of new commercial connection.

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Secretary
CGRF (BYPL)

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ORDER

The complaint is allowed with the directions to OP to grant the request of the complainant for new electricity connection under NX category at shop at the ground floor of premises bearing no. MPL No. 2255, 14/53, Sarai Top Khana, H C Sen Road, Kauria Pul, Delhi-110006 vide application no. 8007036425 (old) & 8007185766 (new) after submission of the Valid Trade License from the competent authority and 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.


(H.S. SOHAL)
MEMBER


(P.K. AGRAWAL)
MEMBER (LEGAL)


(S.R. KHAN) 472/2024
MEMBER (TECH.)


(P.K. SINGH)
CHAIRMAN

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