

C A No. Applied For
Complaint No. 149/2023

In the matter of:

Manish Kumar GargComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmed Alvi, Member (CRM)
3. Mr. P.K. Agrawal, Member (Legal)
4. Mr. S.R. Khan, Member (Technical)

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Ms. Pragya Paliwal, Ms. Shweta Chaudhary & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 18th May, 2023

Date of Order: 24th May, 2023

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

1. This complaint has been filed by Mr. Manish Kumar Garg against BYPL-YVR.
2. The brief facts of the case giving rise to this grievance are that Mr. Manish Kumar Garg applied for new electricity connection vide request no. 8006176636 at premises no. C-88-A, Third floor, Janta Garden, Pandav Nagar, Delhi-91.

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It is also his submission that respondent rejected his application for new connection on pretext of address appearing in MCD objection list. Therefore, his complaint for new connection may be granted.

3. OP in its reply briefly stated that the complainant is seeking new electricity connection for third floor of property bearing no. C-88-A, Janta Garden, Pandav Nagar, Delhi-110091. OP issued deficiency letter as applied premises were found in MCD objection list vide letter no. D-1436/EE(B)-I&II/Shah(S)/2020-21/D-1436 dated 13.11.2020 the subject property is mentioned at sl. no. 6026.

It is also their submission that already there are four connections in the applied property vide CA No. 152313659, 153940510, 153940514 and 153940563 in the name of Garima Garg . OP further added that complainant has alleged that there was fifth connection existing at subjected property and has placed on record copy of bill of CA No. 101014686 registered in the name of Mr. Rajpal Singh. The said connection is installed at property no. C-88-C and as such name change could not be carried out on account of address mismatch. The consumer Sh. Rajpal Singh got the said connection disconnected in October 2022.

4. Counsel of the complainant rebutted the allegations of respondent as averred in their reply and submitted that he purchased the property in question in the year 2022 by virtue of sale deed and it is a four storey building. He further submitted that there are five properties of same number. He also submitted a letter from MCD which shows that property of Sh. S.S. Atri is booked by them which is a five storey building.

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5. LR of the OP submitted that premises of the complainant have been booked by MCD and the complainant has to submit Building completion certificate or NOC from MCD department for release of new electricity connection.
6. The complainant placed on record Show Cause Notice dated 24.01.2018 issued to Sh. S.S. Atri of property bearing no. C-88A, Janta Garden, Pandav Nagar. The registered sale deed submitted by the complainant along with his complaint nowhere shows the name of S.S. Atri in the property chain. The respondent has submitted in its reply that already four connections are installed at the premises of the complainant, and also submitted single page list concluding it as MCD booking list. The letter of MCD is only about the information required by the MCD department against which the OP has released the new connections. The letter dated 13.11.2020 cannot be treated as MCD objection list. Therefore, we are of the opinion that it's not the property of the complainant which is booked by MCD.
7. The complainant further submitted that there are multiple properties with the same address and his property has not been booked by the MCD. The problem was created by the OP, when the complainant requested for name change of the existing electric connection. As per advise of OP, the complainant got the existing connection disconnected and applied for a new connection as per complaint.
8. As held by different courts that Water and electricity are integral part of right to life. Hon'ble Supreme Court in the matter of Dilip (Dead) LR vs Satis, 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.

True Copy

Signature
Secretary
CGRF (BYPL)

Signature

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9. We are therefore, 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.

The OP is also directed to file compliance report to this office within 21 days from the issue of this order.

Case is disposed off as above.

No order as to the cost. Both the parties should be informed accordingly.

Proceedings closed.


(NISHAT A. ALVI)

MEMBER (CRM)


(P.K. AGRAWAL)

MEMBER (LEGAL)


(S.R. KHAN)

MEMBER (TECH.)


(P.K. SINGH)

CHAIRMAN

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