



C A No. Applied for
Complaint No. 459/2024

In the matter of:

Manjeet Singh & Ranjeet SinghComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

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. Akshat Aggarwal & Ms. Chhavi Rani, On behalf of BYPL

ORDER

Date of Hearing: 03rd December, 2024
Date of Order: 06th December, 2024

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

1. As per the complaint, the complainants applied for new electricity connections vide request no. 8007090763 and 8007090990 at their premises no. Ground & 1st floor, back side shop no. 25, Main Road, Jhilmil Colony, Shahdara, Delhi-110032, but respondent rejected their applications for new connections on grounds of incorrect category of tariff usage, enforcement dues.

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Secretary
CGRF (BYPL)

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2. OP in its reply briefly stated that the complainants applied for new DX connections vide request no. 8007090763 and 8007090990 at ground floor and first floor, back side shop no. 25, Main Market, Jhilmil Colony, Shahdara, Delhi.

During site visit, it was found that building where new connections under DX category have been applied comprising of ground + 2 floors over it and the applied site is a commercial shop, situated in Krishna Market which happens to be commercial market complex in Jhilmil Colony, Shahdara, Delhi.

Reply further states that the complainant's request for release of two domestic connections for the commercial shop situated in the Krishna Market i.e. commercial market complex is neither feasible nor permissible.

3. In response to the reply, the complainant in its rejoinder refuted the contentions of respondent as averred in their reply and stated that both Manjeet Singh & Ranjeet Singh, s/o Lt. Sh. Kartar Singh are owner/user of built up property/flats/shops bearing no. 25, Krishna Market, Jhilmil Colony, Shahdara, Delhi-95. After the sad demise of father of the complainants in the year 2004, the said property has been divided into 4 parts between the brothers namely a) Ranjeet Singh, got back side ground floor in building. b) Manjeet Singh, got back side first floor in the building, c) Gurdeep Singh, got ground floor front side and d) Vijay Singh, got 1st floor front side. The mother executed Relinquishment deed in favour of her four sons.

Rejoinder further stated that already three connections one under domestic and two under non-domestic category are already existing the subject premises only the portions of the complainants are not energized.

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4. During the course of arguments, both the parties were directed to conduct joint site visit to ascertain whether the applied portions have separate entry.

As per joint site visit report dated 29.11.2024, the applied building structure is G+1. At front side GF has shop of general items. On the back side of applied building is gali, applied portions have entry back side.

5. Heard arguments of both the parties at length.

6. From the narration of facts and material placed before us and from the perusal of the site visit report, it is clearly evident that the complainants applied for new electricity connections in the back side of shops, and both the units have separate entry from back side.

We don't find any hindrance in releasing the new electricity connections to the complainants as applied for. The complainant has fulfilled all the requirements for new connection as per Regulation 10 & 11 of DERC Regulations 2017.

7. Therefore, we are on considered opinion that complainants cannot be denied new connections. Water and electricity is integral part of right to life. Hon'ble Supreme court in the matter of Dilip (dead) LR Vs Satish, in the case no. SCC 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.





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ORDER

The complaint is allowed. OP is directed to release the new electricity connection to the complainants as applied for by them vide request no. 8007090763 and 8007090990 at their premises no. ground and first floor, back side shop no. 25, main road, Jhilmil Colony, Shahdara, Delhi-110032 after 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

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(P.K. AGRAWAL)
MEMBER (LEGAL)

5/12/24
(S.B. KHAN)
MEMBER (TECH.)

(P.K.SINGH)
CHAIRMAN

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