

Consumer Grievance Redressal Forum

FOR BSES YAMUNA POWER LIMITED

(Constituted under section 42 (6) 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. 564/2024

In the matter of:

Minakshi GuptaComplainant

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

ORDER

Date of Hearing: 06th February, 2025

Date of Order: 10th February, 2025

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 new electricity connection at premises no. 7/300, A- Lalita Park, Laxmi Nagar, Delhi-110092, vide request no. 8007196770. The application of complainant was rejected by Opposite Party (OP) BYPL on the pretext of MCD Objection, NOC or Completion and Occupancy Certificate required and Dues 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 complainant seeking new connection for a load of 1 KW for Non-Domestic purpose for new construction at premises no. 7/300, A- Lalita Park, Laxmi Nagar, Delhi-110092, vide request no. 8007196770. The application of the new connection was rejected on account of property is in MCD Objection list of unauthorized construction Vide letter no. EE(B)-II/Sh(s)/2018/D-2051 dated 12.09.2018 at serial No. 77 and vide letter no. EE(B)-II/Sh(s)/2021/D-2967 dated 09.03.2021 at the serial no. 10.
3. Counsel for the complainant failed filing rejoinder despite giving three opportunities for filing rejoinder on dated 03.12.2024, 12.12.2024 and 09.01.2025.
4. Heard arguments of both the parties.
5. From the narration of facts and material placed before us we find that the complainant applied for new electricity connection which OP rejected on pretext of building booked by MCD. Regarding this objection of OP, that building booked by MCD, in this regard, complainant stated that he has demolished the building and temporary electricity connection is required for the construction of the building. OP has also shown a vacant plot instead of a building in the inspection report.
MCD booking list dated 10.09.2018 describe the property booked as 'unauthorized construction in shape of GF, FF, SF, TF and 4th floor. The second MCD list dated 09.03.2021 shows the booking in the shape of unauthorized construction of GF. The IR filed by OP on record shows that there is no construction on plot and it is entirely vacant plot. It is also observed that the complainant has applied for temporary connection for the purpose of construction.

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6. Thus, the objection of the OP of MCD booking is no justified and even if the MCD booking is considered, then the structure which was booked by MCD has now been totally demolished and we cannot deprive the complainant of electricity. Therefore, OP is hereby directed to grant the application of the complainant for electricity connection in the applied premises.
7. 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.
8. 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.

ORDER

Complaint is allowed. Respondent is directed to release the new Temporary connection applied by complainant vide application no. 8007196770 at premises no. 7/300, A- Lalita Park, Laxmi Nagar, Delhi-110092, 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 action, OP is free to disconnect the new electricity connections.

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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.

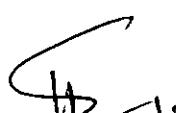
Any contravention of these Orders is punishable under Section 142 of the Electricity Act 2003.



(H.S. SOHAL)
MEMBER



(P.K. AGRAWAL)
MEMBER (LEGAL)



(S.R. KHAN) 12/25
MEMBER (TECH.)



(P.K. SINGH)
CHAIRMAN

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