



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
Phone: 32978140 Fax: 22384886
E-mail:cgrfbyp@hotmai.com
SECY/CHN 015/08NKS

C A No. Applied for
Complaint No. 416/2023

In the matter of:

Mohd. SarfaraazComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Neeraj Kumar, Counsel of the complainant
2. Mr. R.S. Bisht & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

Date of Hearing: 15th February, 2024

Date of Order: 26th February, 2024

Attested True Copy

Secretary
CGRF (BYPL)

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

1. This complaint has been filed by Mohd Sarfaraz against BYPL-Laxmi Nagar. The brief facts of the case giving rise to this grievance are that Mohd Sarfaraz, applied for new electricity connection vide request no. 8006557638 at premises no. R-210/4, 4th floor, Gali no. 9, Ramesh Park, Laxmi Nagar, Delhi-110092 but respondent rejected his application for new connection on the pretext of applied address and existing meter address different, address in MCD objection list and building height more than 15 meters.

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2. OP in its reply briefly stated that the complainant is seeking new electricity connection on third floor at property bearing no. 210/4, Gali no. 9, Ramesh Park, Laxmi Nagar, Delhi. The complainant applied for new electricity connection vide application no. 8006415029 and upon site verification it was found that the premise was booked by MCD for unauthorized construction. OP received letter dated 13.11.2020 from MCD whereby it circulated a list of properties which are sealed and booked by MCD and complainant's property is at sl. no. 448 of the said list. OP further added that on site visit it was found that the subject property consists of five floors constructed in the area of 50 sq yards. Property number R-210/4 already has three connections vide CA No. 100905834, 150584001 and 150584002. From the same it is clear that same property is numbered differently as such there is mismatch of address. Therefore, the complainant has to file BCC or NOC for release of the new electricity connection.

3. Representative of the complainant rebutted the contentions of the respondent as averred in their reply and submitted that the complainant applied for new connection on third floor of premises no. R-210/4, Gali No. 9, Ramesh Park, Laxmi Nagar, Delhi vide order no. 8006415029 and OP rejected the application of the complainant on pretext that premise number is appearing in MCD objection list. OP has not submitted any details regarding the booking and from the MCD website the details are confirmed by him and the premises booked is from basement, stilt, GF, FF and SF and third floor but complainant's premises have no basement in it as also confirmed by the respondent in their reply.

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4. LR of the OP submitted that premises of the complainant have been booked by MCD and for release of new electricity connection the complainant has to file BCC or NOC from MCD department.

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5. Heard both the parties and perused the record. From the perusal of evidence placed on record pleadings and after hearing both the parties it is transpired that complainant asked for new connection at property no. R-210/4, 4th floor, Gali no. 9, Ramesh Park, Laxmi Nagar, Delhi-110092. Respondent raised objection that the said property, is booked by MCD. The complainant pleaded that it's not his property which is booked by MCD and also attached MCD website screenshot showing that the property booked by MCD is having address R-210, Gali no. 12, Ramesh Park, Laxmi Nagar, where unauthorized construction is in the shape of excess coverage deviation against SBP vide no. 50/B-II/Sh./S/14/D-134 at basement, stilt, GF, FF, SF and TF, whereas complainant's property has no basement. Against the pleadings of the complainant, OP has not submitted any site visit report showing that the premise of the complainant and that booked premise are same. OP in its reply has only mentioned that the property of the complainant consists of five floors in the area of 50 sq yards. Floor wise no details have been filed by OP.
6. Therefore, we are of considered opinion, that the complainant cannot be deprived off with his right to enjoy basic amenity for livelihood.
7. 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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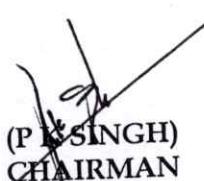
8. In the facts and circumstances aforesaid, we are of the view that the respondent may be directed to provide the connection with the condition that at the time of release of new connection the complainant should file an affidavit that if in future MCD takes any action against the his property then OP should be at liberty to disconnect the supply of the complaint is allowed.

ORDER

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, OP is free to disconnect the new electricity connection.

OP is further directed to file compliance report within 21 days from the date of this order.

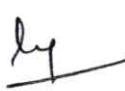
The case is disposed off as above. No order as to the cost. Both the parties should be informed accordingly.


(P.K.SINGH)
CHAIRMAN

Attested True Copy

Secretary
CGRF (BYPL)


(S.R. KHAN)
MEMBER-TECH


(P.K.AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER