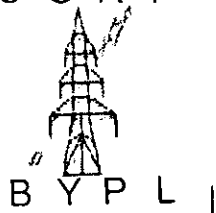


C G R F



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: cgrfbypl@hotmail.com

SECRETARY

C A No. Applied for
Complaint No. 610/2024

In the matter of:

Mohd Akram

.....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. Madan Lal Thakur, Counsel of the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 3rd April, 2025

Date of Order: 08th April, 2025

Order Pronounced By:- Mr.P.K. Singh, Chairman

1. The present complaint has been filed by Mohd Akram against BSES Yamuna Vihar.
2. The brief fact of the case giving rise to this grievance is that the complainant applied for new electricity connection at premises no. D-23, Chauhan Banger, Main Road, Brahmpuri, Delhi-110053, vide request no. 8007179019.

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Secretary
CGRF (BYPL)

Complaint No. 610/2024

The application of complainant was rejected by Opposite Party (OP) BYPL on the pretext of Address in MCD Objection NOC or Completion and Occupancy Certificate required, but complainant stated that it is his brother's property has booked in MCD.

3. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking new electricity connections of the property bearing no. D-23, Chauhan Banger, Main Road, Brahmpuri, Delhi-110053, vide request no. 8007179019. The application of the new connection was rejected on account of **Firstly**; property is in MCD Objection list of unauthorized construction vide letter no. EE(B)-II/SH-N/2019/D-459 dated 22.05.2019 at serial No. 32 being booked on 14/03/2019 unauthorized construction at ground floor & raising first floor in the name of Sh. Munawwar Ali. **Secondly**; No title documents filed and smaller fragments of the property created in order to wriggle out of MCD Objection. Violation of Regulation 10 of DERC Supply Code.

Hence, Violation of the provisions of Electricity Act & Regulations framed in respect of DERC (Supply Code & Performance Standards) Regulation, 2017.

4. In response to the reply the complainant filed rejoinder. The complainant stated that the electricity connection was installed in the same property by the respondent in the name of Ms. Reshma vide CA No. 15423395 even after booking of the aforesaid property by the MCD, so the complainant is also entitled for the electricity meter on the ground of res-judicata. However, the contents of the complaint are reiterated as reaffirmed.

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CGRF (BYPL)

Complaint No. 610/2024

5. During the hearing, OP was directed to produce K. No. file of connection CA No. 154233395 in the name of Ms. Reshma. K. No. file shows that this connection was installed in 2023 after MCD booking. This connection has been installed on the basis of the partition decree.
6. From the narration of facts and material placed before us we find that complainant applied for new electricity connection which OP rejected on pretext of Building booked by MCD under section 343 and 344 of DMC Act vide letter no EE(B)-II/SH-N/2019/D-459 dated 22.05.2019 at serial No. 32 being booked on 14/03/2019 for unauthorized construction at ground floor & raising first floor in the name of Sh. Munawwar Ali.
7. Regarding this objection of OP, that building is booked by MCD, in this regard, complainant stated that his premises is not booked by MCD MCD booking in the name of Munawwar Ali who is brother of the complainant. The complainant has four brothers. This property belonged to his father which has been divided among the four brothers as per the order of the Civil Court. The property booked by MCD belongs to his Brother Munawwar Ali's share and not to the complainant's share. The respondent has installed new connection on this property no. D-23, Kh. No. 191, Main Brahm Puri, Chauhan Banger, Delhi-110053 in the name of Ms. Reshma in 2023 on the basis of this partition decree. It shows that OP itself admits that only Munawwar's share is booked.

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8. Thus, the objection of OP is not justified and we cannot deprive the complainant of electricity. Therefore, OP is hereby directed to grant the application of the complainant for electricity connections in the applied premises.
9. 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.
10. Therefore, 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 adverse action against the his property then OP should be at liberty to disconnect the supply of the complaint.

ORDER

The complaint is allowed. Respondent is directed to release the new connections applied by complainant vide application no. 8007179019 at premises no. D-23, Chauhan Banger, Main Road, Brahmpuri, Delhi-110053, after completion of all the commercial formalities required for giving connection as per DERC Regulations 2017 and submitting the undertaking by the complainant regarding the fact that if in future any authority takes any action, OP will be free to disconnect the new electricity connection without any further notice.

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Secretary
CGRI (BYPL)

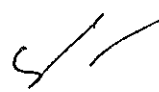
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This Order shall be complied within 21 days of the receipt of the certified copy or from the date it is uploaded on the Website of the Forum; whichever is earlier.

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)
MEMBER (TECH.)


(P.K. SINGH)
CHAIRMAN

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Secretary
CGRI (R/PD)