



**C A No. Applied for**  
**Complaint No. 178/2024**

**In the matter of:**

Mohd Azam

.....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. Vinod Kumar, Counsel of the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal, on behalf of respondent

**ORDER**

Date of Hearing: 17<sup>th</sup> December, 2024

Date of Order: 18<sup>th</sup> December, 2024

**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 a new electricity connection at premises no. R-180, Ground Floor, Ramesh Park, Laxmi Nagar, Delhi-110092, vide requests no. 8006802270. The application of complainant was rejected by Opposite Party (OP) BYPL on the pretext of Connection already exists & Dues at Site, but complainant stated that said dues does not pertain to him and there are multiple properties of the same address and he will surrender the existing meter at the same time of installation.

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CGRF (BYPL)

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2. The respondent in reply briefly stated that the present complaint has been filed by the complainant seeking for a new connection at the premises no. R-180, Ground Floor, Ramesh Park, Laxmi Nagar, Delhi-110092, vide requests no. 8006802270. The application of the new connection was rejected on account of **Firstly**; Meter already exist on applied site and upon inspection it was discovered that applicant wants to surrender the present installed 3 phase meter and wants a single phase meter. **Secondly**; Pro rata dues against complainant share amounting to Rs. 6629/-. **Thirdly**; Height of the applied premises having Ground floor+ 4 floors structures is more than 15 meter. Hence, NOC, BCC, valid Architect Certificate etc. from concerned departments etc., all of the mandates as per is must for grant of new connection.

Reply further added that a site revisit was also done to ensure the dues are pertaining to the applied premises only and it was also observed that the entire building belongs to three brothers having equal share in the property.

3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the complainant is ready to surrender the three phase connection with the condition that OP should install single phase meter at the same time. Complainant stated that the pro-rata dues of Rs. 6629/- does not pertains to the complainant in any manner and the subject property is mixed used building residential and commercial purpose and the complainant is ready to submit the architect certificate to the OP as required.

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4. The complainant filed Architect Certificate stated therein building no. R-180, Ground Floor, Ramesh Park, Laxmi Nagar, Delhi-110092 is comprised of Ground Floor, First Floor, Second Floor, Third Floor and Fourth Floor and the height of the building is less than 15 meter and is accordance with the building bye laws.
5. Heard arguments of both the parties were heard at length.
6. From the narration of facts and material placed before us we find that OP raised three grounds of rejecting application of the complainant for new connection. **Firstly;** Meter already exists on applied site. **Secondly;** Pro rata dues against complainant share amounting to Rs. 6629/-. **Thirdly;** Building height is more than 15 meters. Regarding first objection of OP of Meter already exists, in this regard the complainant had already stated that he is ready to surrender the said three phase connection once OP install the single phase meter. Regarding second objection of OP, during the course of hearing the complainant stated that he is ready pay pro rata amount Rs. 6629/-. Regarding third objection of OP, complainant filed architect certificate which has been verified by OP.
7. Thus, the objections of the OP are removed/fulfilled by the complainant. Therefore, OP is hereby directed to grant the application of the complainant for electricity connection in the applied premises. 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.

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8. Thus, in view of the above, we are of considered opinion that the new connection as applied for by the complainant should be granted.

ORDER


Complaint is allowed. Respondent is directed to release the new electricity connection as applied for by the complainant vide request no. 8006802270 at first floor of premises no. R-180, Ground Floor, Ramesh Park, Laxmi Nagar, Delhi-110092, subject to fulfilling any other required 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

  
(P.K. AGRAWAL)  
MEMBER (LEGAL)

  
(S.R. KHAN)  
MEMBER (TECH.)

  
(P.K.SINGH)  
CHAIRMAN

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