



C A No. Applied For
Complaint No. 19/2024

In the matter of:

Mohd Azeem Sabri

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

1. Mr. Imran Ul Haq Siddiqi, Counsel of the complainant
2. Mr. Ritu Gupta, Ms. Chhavi Rani & Mr. Akshat Aggarwal, on behalf of respondent.

ORDER

Date of Hearing: 11th June, 2024
Date of Order: 01st July, 2024

Order Pronounced By:- Mr. Nishat A Alvi Member (CRM)

1. The complaint has been filed by Mohd Azeem Sabri against BYPL-LNR. The brief facts of the case giving rise to this grievance are that Mohd Azeem Sabri applied for new connection, vide request no. 8006713120, at premises no. 71, 72, 73, 4th Floor, R/S (Top Floor), Pvt No-25, Vishwakarma Park, Laxmi Nagar, Delhi-110092, which was rejected by the OP by issuing false deficiency letter thereby stating that the applied address was found in MCD objection list. Therefore complainant has requested for direction to the OP to release the electricity connection

Attested True Copy applied for.

Secretary
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2. In response to the notice, OP filed reply alleging that the applied premises are in MCD objection list, forwarded to respondent vide letter no. EE(B)-I & II/Shah(S)/2020-21/D-1436 dated 13.11.2020. In addition OP states that there are 8 units on each floor totaling to 32 units. On ground floor there are 2 units. As per the reply the building consists of ground + 5 floors over it. In respect of 5th floor, OP states that the applicant did not allow to show the dwelling unit at 5th floor. It is further stated in the reply that there are 34 domestic units Up to 4th floor and 34 DX meters already exist at site. Further, reply also states that the height of the building is more than 15mtr, therefore, NOC from fire department or building completion certificate (BCC) is required for granting the connection applied for.
3. In rejoinder to the reply the complainant denied the objection of OP that the property is booked in MCD, stating that the letter referred by the OP is merely a requirement of the concerned department for providing details/status of connections in the subject premises. The rejoinder also states that previously the complainant was having an electricity connection in the said premises vide CA No. 150283156. As the complainant was out of Delhi for long time the said connection was disconnected by the OP for non-payment of dues and when after complainant approached OP for reconnection, OP declined the request stating that the connection has become dormant and he has to apply for a new connection. Hence the present application for new connection. Rejoinder also states that OP's contention, that up to 4th floor all the 34 connections are being used, is false as complainant's premises is without electricity and OP is not able to satisfy how 34 connections exist. Complainant has filed copy of email, deficiency letter, Adhar card and bill of the dormant connection in his name and the OP has filed copy of notice of MCD dated 13/11/2020 along IR as well, as visited report of the applied premises.

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4. Heard & perused the record.

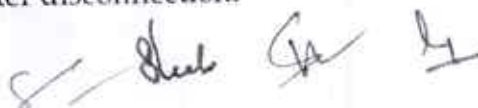
5. As per pleadings complainant was having an electricity connection on his premises since 03/01/2012, which was disconnected. The said connection becoming dormant, complainant applied fresh electricity connection vide request no. 8006713120. The said request was rejected by the OP on three grounds namely (a) booked by MCD, (b) building height more than 15 mtr, (c) meter already exists. The complainant denied the objection stating that the MCD letter as referred merely requires details of the connection. In this regard, going through the deficiency letter we find that sl. no. 655 show that applied premise is booked. But MCD list shows some other property therein. Further scrutiny of MCD list show that premises numbers 71, 72, 73 are booked at sl. no. 653 and 656. 653 do not show full address while 656 show complete address. But it shows that these numbers are existing in Krishna Park locality of Laxmi Nagar, while applied premises situated in Vishwakarma Park. Thus, booking becomes suspected. Not only this, the list nowhere provides as to what was the ground for such sealing/ground.

So far as objection that building has a height of more than 15 meters is concerned, OP's own reply is contradictory. In para-1 thereof it says that applied floor is fourth/top floor while in para three it says building consists of Ground+ five floors over it. There being G+5 it may be above 15 meters in height. In this reference we perused bill of CA No. 150283156, the disconnected connection of complainant which shows that fourth floor is the top floor which complainant is stating. However, the controversy is settled by OP's own re-visit report dated 10.06.2024 which reports that building is old and G+4.

Regarding objection of existing connection on applied premises OP has failed to establish that from where applied portion, being part of 34 units, is getting electricity after disconnection.

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6. 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.
7. On the basis of above analysis we may conclude that building is old building, MCD booking is suspected and there is no letter of MCD to take action against existing connections in that building or in respect of new connections. Objection of height of the building being more than 15 meters is not supported by any cogent evidence of OP hence not proved. Therefore, OP's all objections are not sustainable and we consider it prudent to grant complaint on certain conditions.

ORDER


Complaint is allowed on production of Architect Certificate, proving that height of the building is within 15 meters, alongwith affidavit by the complainant thereby undertaking that if in future MCD takes any action against applied building, OP shall be within its right to disconnect the electric supply so granted and he shall have no objection.


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.


(H.S. SOHAL)
MEMBER


(N. A. ALVI)
MEMBER (CRM)


P.K. AGRAWAL
MEMBER (LEGAL)


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

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