

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-110031

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SECY/CHN 015/08NK

C A No. Applied for Complaint No. 456/2024

In the matter of:

Mohan Devid

.....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)

Appearance:

1. Mr. Imran Ul Haq Siddiqi, 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: 21st January, 2025

Date of Order: 27th January, 2025

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

1. Present complaint has been filed by Mr. Mohan David against BYPL-Karawal Nagar.
2. The brief fact of the case giving rise to this grievance is that the complainant applied for a new electricity connection at premises no. C-309, GF, Gali no. 6, C-block, Brijpuri, Main Nala Road, Delhi-110094, vide request no. 8006916376. The application of complainant was rejected by Opposite Party (OP) BYPL on the pretext of MCD Objection, NOC or completion and Occupancy Certificate required.

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Secretary
CGRF (BYPL)

Complaint No. 456/2024

3. The respondent in reply briefly stated that the present complaint has been filed by the complainant seeking new electricity connection under domestic category at the ground floor of the property bearing no. C-309, Gali No. 6, C-block, Brijpuri, Main Nala Road, Delhi-110094 vide request no. 8006916376. The application of the new connection was rejected on the grounds that the complainant needs to file a valid verifiable and legal NOC/De-sealing order duly issued by the competent authority i.e. MCD as the applied premises falls under the MCD list of polluting units.

Reply further stated that the complainant has concealed that a new connection under NX category vide application no. 8006984991 was applied by the complainant which was rejected.

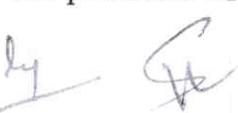
4. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that as alleged by OP the applied address is in MCD objection list due to polluting unit running from the complainant's premises is not maintainable as the complainant has applied for new electricity connection under domestic category.

Rejoinder further added that OP has not placed on record any proof/MCD list on record to proof that the premises of the complainant was booked by MCD under polluting unit or sealed by MCD. It is further added that the earlier installed connection of the complainant was disconnected by OP on account of non-payment of dues.

Complainant also submitted that the application no. 8006984991 was applied by him for the other portion of the premises which was made in June 2024 for godown purpose.

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Secretary
CGRF (BYPL)



Complaint No. 456/2024

5. Heard arguments of both the parties at length.
6. We have gone through the submissions made by both the parties. From the narration of the facts and material placed before us we find that the complainant applied for new electricity connection under domestic category at ground floor of premises no. C-309, GF, Gali no. 6, Main Nala Raod, Brijpuri, Delhi-110094, which was rejected by OP on the grounds that the premises of the complainant were sealed by MCD as the premises falls under the MCD list of polluting units.

From the perusal of the MCD sealing letter dated 22.12.2019, it shows that the sealing was done at premises no. CN-527, Gali No. 6, C-block, Brijpuri, Mustafabad, Delhi, whereas the complainant applied new connection at premises no. C-309, GF, Gali no. 6, Main Nala Raod, Brijpuri, Delhi-110094. OP failed to establish that both the addresses are of same premises. The only plea which OP takes is that the meter no. 70119966 was installed at this premise only, but again no documentary evidence is placed on record by OP.

7. Since, OP failed to establish the connection between both the addresses; therefore, in the facts and circumstances and in the absence of any documentary evidence we are of considered opinion that the complainant cannot be deprived of his right to basic amenity to life. Also, 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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The complaint is allowed. OP is directed to release the new electricity connection as applied for by the complainant under domestic category vide request no. 8006916376 at premises no. C-309, GF, Gali no. 6, c-block, Brijpuri, Main Nala Raod, Delhi-110094. The complainant is also directed to fulfill other commercial formalities as per DERC Regulations 2017. OP is further directed to release the new connection to the complainant after the fulfillment of above said requirements by the complainant.

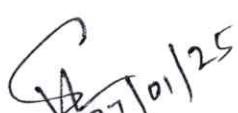
This Order shall be complied within 21 days of the receipt of the certified copy or from the date it is uploaded on the Website of the Forum; whichever is earlier.

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.


(P.K. AGRAWAL)
MEMBER (LEGAL)


27/01/25
(S.R. KHAN)
MEMBER (TECH.)


(P.K. SINGH)
CHAIRMAN

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