

C A No. Applied for
Complaint No. 583/2024

In the matter of:

Mohd Hamid Jamal

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P. K. Singh (Chairman)
2. Mr. S.R. Khan, Member (Technical)
3. Mr. P.K. Agrawal, Member (Legal)

Appearance:

1. Mr. Mohd Hamid Jamal, the complainant
2. Mr. Prashant Sharma, Mr. R.S. Bisht, Mr. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 28th January, 2025

Date of Order: 30th January, 2025

Order Pronounced By:- Mr. S.R. Khan, Member (Technical)

1. The brief fact of the case giving rise to this grievance is that the complainant applied for new electricity connections at premises no. 227, Ground & First Floor Gali Gadaiya Bazar, Matia Mahal, Jama Masjid, Delhi-110006, vide requests no. 8007184210(NX) & 8007238086(DX). The application of complainant was rejected by Opposite Party (OP) BYPL on the pretext of Address in MCD Objection List Polluting Unit/Sealed

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Secretary
CGRF (BYPL)

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Property, Dues Confirmation required, Fire Safety Clearance Required (G+MZ+4 Floors), but complainant stated that he has already obtained NOC from MCD Department.

2. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking new electricity connections at the ground floor & first floor of the property bearing no. 227, Gali Gadaiya Bazar, Matia Mahal, Jama Masjid, Delhi-110006, vide requests no. 8007184210(NX) & 8007238086(DX). The application of the new connections were rejected on account of Firstly; building structure Ground+ four floors including mezzanine floor, height is exceeding 15 meters, fire safety clearance certificate is mandatory to provide the new electricity connection. Secondly; property already booked by MCD on account of polluting unit and therefore MCD had sealed the premises. OP stated that MCD had already sent a list to the respondent to disconnect the electricity connections installed at such property and the property where electricity connections has been sought by the complainant, is listed at serial no. 38904. Therefore, the application of the complainant had been rejected.
3. The complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the height of the premises is less than 15 meters and the complainant filed architect certificate with rejoinder. Complainant stated that his premises are not booked by MCD. Complainant alleged that his premises is sealed by MCD and the complainant appealed to MCD's Judicial Committee and after paying the fee of Rs. 67,968/-, his premise was de-seal by MCD. Complainant has filed the de-sealing certificate, Judicial Committee order, and fee receipt along with its rejoinder.

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Secretary

(BYPL)

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4. Both the parties were directed to conduct joint site visit report dated 22.01.2025 placed on record stated as under:-
- Applied Building is Ground+ Mezzanine+ 3 Floors over it.
 - Applied Building height is 13 meters.
 - Three meters found at site at time of visit.
5. 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 Firstly; MCD Objection as the premises booked due to polluting unit. Secondly; Building structure Ground Floor+ Mezzanine+ Four Floor over it, the height of building is more than 15 meters.
- Regarding first objection of OP, that building is booked/sealed by MCD, in this regard, complainant has filed de-seal certificate, fee receipt issued by MCD.
- Regarding second objection of OP, height of the building, OP has placed site visit report which states that the height of the building is 13 meters.
6. 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.
7. 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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CGRF (BYPL)

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8. 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 connection applied by complainant vide application no. 8007184210(NX) & 8007238086(DX) at premises no. 227, Ground & First Floor, Gali Gadaiya Bazar, Matia Mahal, Jama Masjid, Delhi-110006 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 may action, OP will be free to disconnect the new electricity connection without any further notice.

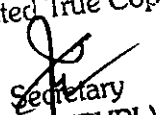
This Order shall be complied within 21 days of the receipt of the certified copy or from the date it is uploaded on the Website of the Forum; whichever is earlier.

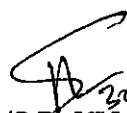
The parties are hereby informed that instant Order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order.

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.

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Secretary
CGRI (BYPL)
(P.K. AGRAWAL)
MEMBER (LEGAL)


20/1/25
(S.R. KHAN)
MEMBER (TECH.)


(P.K. SINGH)
CHAIRMAN