



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: cgrfbyppl@hotmail.com
SECY/CHN/11/2024

C A No. Applied For
Complaint No. 41/2024

In the matter of:

Mohd JubairComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat A Alvi, Member (CRM)
3. Mr. P.K. Agrawal, Member(Legal)
4. Mr. S.R. Khan, Member (Technical)
5. Mr. H.S. Sohal, Member

Appearance:

1. Ms. Sakshi, Counsel of the complainant
2. Mr. Deepak Pathak, Mr. R.S. Bisht & Ms. Chhavi Rani, On behalf of BYPL

ORDER

Date of Hearing: 21st May, 2024
Date of Order: 22nd May, 2024

Order Pronounced By:- Mr. P.K. Agrawal, Member (Legal)

1. This complaint has been filed by Mohd Jubair, against BYPL-Yamuna Vihar. The brief facts of the case giving rise to this grievance are that the complainant Mohd Jubair applied for new connections vide request no. 8006619987, 8006619980, 8006619971, 8006619965 and 8006619957 on dated 23.10.2023 at ground floor, first floor, second floor, third floor and

As per hearing
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Secretary
CGRF (BYPL)

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fourth floor of premises no. T-403, Kh. No. 202, first floor, Gali No. 21, Gautam Puri, Delhi-110053, but respondent rejected the application of the complainant for new connection on the pretext of MCD Objection and electricity meter no. 35331937 not found at site. Complainant further stated that only one domestic connection of 2 KW in the above said property is installed since 19.12.2004.

2. The respondent in reply briefly stated that the complainant is seeking five new connections at premises no. T-403, Khasra No. 202, Gali No. 21, Gautampuri, Delhi-110053. The application of new connection was rejected as the property is in MCD objection list of unauthorized construction vide letter no. 264, B-11, UC/SH.N/2014 dated 31.10.2014 at serial no. 42.

OP also stated that the applied address falls under same property description and therefore in terms of the Judgment of Hon'ble DB of High court of Delhi, in a PIL titled as "Parivartan Foundation Vs South Delhi Municipal Corporation & Ors." WP (C) 11236/2017 vide the order dated 20.12.2017, coming heavily against the menace of unauthorized construction passed a direction for non-grant of connection to the building constructed in violation of laws and disconnect the supply if the same is granted in UC premises.

3. Counsel of the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the property of the complainant is not booked on account of unauthorized construction. Rejoinder further stated that the MCD booking is done in the year 2014, whereas the premises of the complainant are newly constructed and he became owner of the said property in April 2023. It is also submitted that there are multiple properties of same address.

*For
B. N. Singh*
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4. LR of the OP submitted since the building is booked by MCD therefore, new connection is not feasible.
5. To confirm the statement of counsel of the complainant both the parties were directed to conduct joint site visit. Joint visit report dated 14.03.2024 placed on record stated as under:-
 - a) Multiple premises of H.No. T-403, found in Gali No. 21, Map attached.
 - b) As per site, no person name Shakil Pradhan on house no. T-403
 - c) As per Riyazuddin, the person named Shakil Pardhan belongs to left hand side building of applied premises but house no of this premises is T-402 (meter no. 25216906)
 - d) Site visit report also stated that meter no. 35331937 exists at site.
6. Arguments of both the parties were heard at length and perused the available record.
7. From the narration of facts and material placed before us we find that complainant applied for new electricity connections which OP rejected on pretext of building booked by MCD. The site visit report of OP stated that there are multiple premises of same address. The MCD list also states that premises booked is T-403 (part), but which part it is not clear. Thus, when it is difficult to ascertain which part is booked, the complainant cannot be denied new connection therefore; in the present case benefit of doubt is given to the complainant and not to OP.
8. Thus, the objection of the OP is no justified and we cannot deprive the complainant of electricity. Therefore, OP is hereby directed to grant the application of the complainant for electricity connection in the applied premises.

*For
Bhawna*
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9. 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.

10. In the facts and circumstances aforesaid, we are of the view that the 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 action against the ~~the~~ property then OP should be at liberty to disconnect the supply of the complaint is allowed.

ORDER

Complaint is allowed. OP is directed to release the new electricity connections as applied for by the complainant vide application no. 8006619987, 8006619980, 8006619971, 8006619965 and 8006619957 at premises no. T-403, Khasra No. 202, first floor, Gali No. 21, Gautam Puri, Delhi-110053 after completion of all the commercial formalities as per DERC Regulations 2017 and after submitting the undertaking by the complainant regarding the fact that Whenever MCD/any Government Agency in future takes any action, OP is free to disconnect the new electricity connections.

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.

Re: Shashank
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Secretary
CGRF (BYPL)
(P.K. AGRAWAL)
MEMBER (LEGAL)

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

PS
(P.R. SINGH)
CHAIRMAN