



C A No. Applied For
Complaint No. 166/2024

In the matter of:

Mohd Mohsin & OthersComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. Nishat Ahmad Alvi (CRM)
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. Deepak Pathak, Mr. Akshat Aggarwal & Ms. Chhavi Rani On behalf of BYPL

ORDER

Date of Hearing: 11th June, 2024

Date of Order: 14th June, 2024

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

1. This complaint has been filed by Mohd Mohsin & Others against BYPL-Laxmi Nagar. The brief facts of the case giving rise to this grievance is that the complainants applied for new electricity connections vide request no. 8006819024, 8006819027 and 8006819229 at premises no. 2342, FF, Gali Dugdugi Shah, Kalan Bazar, Chitli Qabar, Turkman Gate, Delhi-110006. The applications of the complainants were rejected by OP on the ground that same site dues confirmation required.

Attested True Copy


Secretary
CGRF (BYPL)

Complainant No. 166/2024

2. The respondent in reply briefly stated that new electricity connections has been applied by the complainants vide request no. 8006819024, 8006819027 & 8006819029 in the name of Mohd Mohsin, Ms. Sara Rehman and Mohd Wasif respectively. All the three connections are applied under domestic category for a load of 1 KW at different floors of premises no. 2342, Gali Dugdugi Shah, Kalan Bazar, Chitli Qabar, Turkman Gate, Delhi-110006. The applications of the complainants were rejected on the ground that the address is appearing in MCD objection list vide letter no. D-206/EE(B)-II/City-S.P. Zone/2021 dated 22.10.2021 at serial no. 6, in the shape of deviation/excess coverage against plan sanctioned under Saral Scheme vide ID no. 10078267 dated 28.09.2020 at GF to third floor.

OP also objected that the present complaint is not maintainable as much as the complainant is applicant of only one connection, but the complaint has been filed in respect of two other persons for grant of connections namely Sara Rehman and Mohd Wasif. Thus complainant has no locus to file the complaint in respect of other two applicants.

OP in its reply has also raised issue of fourth connection as earlier applied by the complainant in the name of Haseena Begum, but same is not part of this present complaint.

3. Counsel of the complainant in its rebuttal refuted the contentions of OP as averred in their reply and reiterated his original complaint. He also submitted that the complainants have fulfilled all the required formalities at the time of applying for new electricity connection. Rejoinder further stated that building completion certificate has already been submitted by the complainant on 27.03.2024.

Attested True Copy


Secretary
CGRF (BYPL)

 2 of 5

Complainant No. 166/2024

Regarding the other objection of OP that complainant has no locus to file the complaint on behalf of Sara Rehman and Mohd Wasif, in this regard the complainant stated that alongwith original complaint he has filed vakalatnama for all the three complainants and also placed on record their id proofs.

4. Heard both the parties and perused the record.
5. The request of new connection of the complainant was rejected by OP on two grounds firstly; locus of the complainant in respect of other complainant's, secondly premises of the complainant are booked by MCD.
6. Regarding the first objection of OP, the complainant submitted that along with original complaint he has submitted id proof of all the three complainants and also the vakalatnama is in the name of Mohd Mohsin & Others duly signed by all the three complainants.
Regarding other objection of the OP, that building of the complainant is booked by MCD, in this regard the complainant has placed on record Building Completion Certificate dated 29.08.2023 and also submitted completion fee receipt.
7. In view of the above, ~~we are of considered opinion~~ ^{that} that the complainant has placed on record Vakalatnama duly signed by all the three complainants and also their id proofs are placed on record. Secondly the complainant has also placed on record Building completion certificate dated 29.08.2023.

Attested True Copy

Secretary
CGRF (BYPL)

 Deb  3 of 5

Complainant No. 166/2024

The building of the complainant was booked for deviation with sanctioned building plan for which the complainant has made completion fee also on 29.08.2023, thereafter; MCD issued Building Completion Certificate to the complainant.

8. In view of the above, the new connections to the complainants cannot be denied as the objections of OP are unreasonable. Therefore, OP should release the new connections to the complainants.
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 her property then OP should be at liberty to disconnect the supply of the complaint is allowed.

S- Sub 4 of 5

Complainant No. 166/2024


ORDER


Complaint is allowed. OP is directed to release the new electricity connections as applied for by the complainants vide application no. 8006819024, 8006819027 and 8006819229 at premises no. 2342, Gali Dugdugi Shah, Kalan Bazar, Chitli Qabar, Turkman Gate, Delhi-110006, 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.


(H.S. SOHAL)
MEMBER


(NISHAT A ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


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

5 of 5

Attested True Copy


Secretary
CGRF (BYPL)