



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: cgrfbypl@hotmail.com
SECY/CHN/015/08NKS

C A No. Applied For
Complaint No. 28/2024

In the matter of:

Mohd Shakeel

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

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)

Appearance:

1. Mr. Akash Ruhela, Counsel of the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht, Mr. Akshat Aggarwal & Ms. Chhavi Rani On behalf of BYPL

ORDER

Date of Hearing: 18th April, 2024

Date of Order: 24th April, 2024

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

1. This complaint has been filed by Mohd Shakeel against BYPL-DRG. The brief facts of the case giving rise to this grievance are that Mohd Shakeel applied for new connection vide request no. 8006492174, at premises no. Pvt No, G/F, Shop Municipal No-1789,/X, Gali Chhunna mal, Sui Walan, Darya Ganj, Delhi- 110002, but OP rejected the application of the complainant on pretext of "MCD's NOC or Completion Certificate required".

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CGRF (BYPL)

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The complainant stated that the respondent released many connections at the aforesaid address and installed many meters. Therefore, he requested the Forum to direct the respondent for release of new connection.

2. OP in its reply briefly stated that the present complaint has been filed by the complainant seeking new electricity connection vide application no. 8006492174 under NX Category for the premises bearing address- Pvt No-3, Ground Floor, Shop Municipal No. 1789/X, Gali Chunna Mal, Sui Walan, Daryaganj, Delhi-110002. That upon receiving the said request from the complainant, site inspection was done and during the same it was found initially the premises were found locked and upon subsequent visit, it was found that the applied premise is under the MCD Objection list on account of unauthorized construction.

OP received a complainant regarding unauthorized encroachment extension through Special Task Force having reference ID no. SNS2021072399 dated 23.07.2021 with regard to the property bearing C-1/196, H.No.-1789/2, First Floor, Gali Chunna Mal, Hauz Sui Walan, Darya Ganj, Delhi-110006 is having encroached/extended the said property in such way that the pole is at the border line of the premises leaving no clearance from electrical installations/mains i.e. 11000/440 volts lien of BYPL.

That the records shared by MCD shows that the said premises being booked on account of unauthorized construction and further letter stating the premises is old and in dilapidated situation and further might lead to untoward incident causing loss of life.

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3. In response of the reply, the complainant filed rejoinder refuting therein the contentions of the OP as averred in their reply. It is submitted that the complainant is the owner of the property bearing no. Pvt No. 3, G/F, Municipal No. 1780/X, Gali Chunna Mal, Sui Walan, Darya Ganj, Delhi-110002 and it is submitted that the aforesaid the respondent Shop 13.68 sq. yard approx. It is further submitted that OP released some new connection in the same building.

CA No.	Name	Floor	Date
100315435	Barkatullah	First/F	14.10.1963
100496203	Obaidul Hassan	Second/F	18.092008
150936118	Faheem Begum	Third/F	01.01.2014
152281805	-----	Fourth/F	08.09.2017

It is submitted that the complainant's premises are not booked by the MCD and the OP has released the new connection in the booked premises vide CA No. 13529855 energized on 22.10.2021 in the name of Ms. Shehnaz Begum and CA No. 150936118 energized on date 01.01.2014 in the name of Mr. Faheem Bano.

4. Both the parties were directed to conduct joint site visit. Joint visit was conducted on 02.04.2024 and the site visit report stated as under:
- Building structure Ground +five (mix type).
 - Existing meters:- 35764556, 11983695, 35852662, 11983655, 11983717, 11485381, 35704943, 35680349, 35405102 and 35711199.
 - At the time of site visit no meter was found at the applied unit and applicant want commercial meter for NX purpose.
 - Already multiple commercial connections are installed at ground floor.

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5. Arguments of both the parties were heard at length.
6. From the narration of facts and material placed before us we find that the complainant applied for new electricity connection at property no. 1789/X, Gali Chuuna Mal, Sui Walan, Daryaganj, Delhi-110002, which was rejected by OP on the pretext of MCD Objection list vide reference no. AE(B)/CSPZ/2021/D-415 dated 02.8.2021 which states that property is old construction. From the letter it is clear that the complainant was made by OP to MCD regarding unauthorized construction and MCD vide its letter dated 02.08.2021 has asked the complainant to clear the encroachment. But till date MCD has not taken any action upon the encroached portion. OP was asked to ascertain the status of the MCD action but no action is taken till date. That OP has already released many connections in the same premises in the year 2021 and has not raised any objection at the time of release of those connections.
7. In view of the above, we are of considered opinion that new connection to the complainant cannot be denied. Therefore, we direct the respondent to release the new connection to the complainant as applied for by the complainant with the condition that if in near future MCD takes any action on the encroached portion then OP is free to take necessary action for disconnection as per their policy.
8. 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.


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ORDER


The complaint is allowed. OP is directed to release the new connection to the complainant as applied for vide request no. 8006492174 at premises no. Pvt No. 3, G/F, Municipal No. 1780/X, Gali Chunna Mal, Sui Walan, Darya Ganj, Delhi-110002 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 connection.

The case is disposed off as above.

No order as to the cost. Both the parties should be informed accordingly.


(NISHAT A ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


(S.R. KHAN) 14/24
MEMBER (TECH.)


(P.K. SINGH)
CHAIRMAN

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CGRF (BYPL)