

C A No. Applied for
Complaint No. 208/2024

In the matter of:

Mohd Shamshir Haider AnsariComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Neeraj Kumar, Counsel of the complainant
2. Ms. Kavya, Mr. Lalit & Mr. Akshat Aggarwal On behalf of BYPL

ORDER

Date of Hearing: 14th November, 2024

Date of Order: 25th November, 2024

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

1. The brief fact of the case giving rise to this grievance is that the complainant applied for a new electricity connection at premises no. 7/300, 1st Floor, Gali No. -7, Khasra No.-19, Lalita Park, Laxmi Nagar, Delhi-110092, vide requests no. 8006770962. The application of complainant was rejected by OP on the pretext of Dues at Site, Address in MCD List, Owner/Builder 7/300 (Part), Lalita Park, Laxmi Nagar U/C in shape of GF, FF, SF, TF, & IV floor, but complainant stated that his building is not booked in MCD and many connections were released

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CGRF (BYPL)

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2. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking new electricity connection at the first floor of the property bearing no. 7/300, Gali No. -7, Khasra No.-19, Lalita Park, Laxmi Nagar, Delhi-110092, vide requests no.8006770962. The application of the new connection was rejected on the following grounds:

Firstly; property is in MCD Objection list of unauthorized construction Vide letters no. EE(B)-II/SH(S)/2018/D-2051 dated 12.09.2018 at serial No. 77 in the shape of unauthorized construction at GF, FF, SF, TF & IV Floors and letter no. EE(B)-II/SH(S) dated 09.03.2021 at serial no. 10, unauthorized construction in the shape of GF.

Secondly; Same Site energy dues against CA No.100904666 and 101001592. The share of complainant calculated on pro rata basis comes to the tune of Rs. 3594.

At present subject property consist of GF+ UGF+ First to Fourth floor. In the subject property 5 electricity connections are installed in name of Shadab Alam. Details whereof are as under:

S. NO.	CA NO.	FLOOR WISE
1.	153008545	G/F Parking
2.	153008544	Upper Ground floor
3.	153009873	Second Floor
4.	153008542	Third Floor
5.	153008541	Fourth Floor

It is submitted that new connections are provided as per Electricity Act and regulations framed in respect thereto DERC (Supply Code and Performance Standards) Regulations 2017.

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3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that property no. 7/300 is a big area and the said plot was divided into three parts which is later on sold to three different owners. Many new connections have been given by OP from 17.12.2019 to 19.12.2019 and in 2023 also new connections were given on same premises.
4. During the course of hearing, OP was directed to file details of all the connections in the particular premises and K. No. file in each part of 7/300. As per directions of the Forum OP submitted the K.No. files in the Forum.
5. From the narration of facts and material placed before us we find that OP raised two grounds of rejecting application of the complainant for new connection. **Firstly;** property is in MCD Objection list **Secondly;** Same Site energy dues against CA No. No.100904666 and 101001592.

Regarding first objection of OP of MCD booking, premises no. 7/300 were booked twice, firstly in the year 2018 and secondly in the year 2021. MCD booking dated 2018 was in the shape of unauthorized construction of GF, FF, SF, TF and IVth floor, if we consider this booking is of the same premises where complainant has applied for new electricity connection, then it should be noted that after this booking OP has released five new electricity connections in the same premises in December 2019. If we consider other MCD booking dated 01.02.2021, the said booking is in shape of unauthorized construction of Ground floor only.

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From perusal of record of both the bookings it is difficult to ascertain whether the premises of the complainant are booked by MCD or not.

6. Thus, the objection of OP is not justified and we cannot deprive the complainant of his right to basic amenity of life. Therefore, OP is hereby directed to grant the application of the complainant for electricity connection in the applied premises. Since, 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 of. Even on the principle of law there should be equity before law and equal protection of law in the spirit of constitution.
7. 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 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. 8006770962 at premises no. 7/300, 1st Floor, Gali No. -7, Khasra No.-19, Lalita Park, Laxmi Nagar, Delhi-110092 after payment of pro-rata dues of Rs. 3594/- by the complainant and completion of all other commercial formalities and after submitting the undertaking by the complainant regarding the fact that if in future any authority takes any action, OP will be free to disconnect the new electricity connection.

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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)


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


(P.K. SINGH)
CHAIRMAN

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CGRF (BYPL)