

C A No. Applied For
Complaint No. 312/2024

In the matter of:

Mukesh KumarComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Nishant Jaiswal, Counsel of the complainant
2. Mr. R.S Bisht & Mr. Akshat Aggarwal, on behalf of respondent.

ORDER

Date of Hearing: 06th January, 2025
Date of Order: 15th January, 2025

Order Pronounced By:- Mr. H.S. Sohal, Member

1. The complaint has been filed by Mr. Mukesh kumar against BYPL-GTR. The brief facts of the case giving rise to this grievance are that Mr. Mukesh Kumar applied for new connection vide request no. 8006884389 at premises no. 1/6625 B, GF Gali No-4, Near By Channa Studio, Rohtash Nagar, Shahdara, Delhi -110032, but respondent rejected the application of the complainant for new connection due to "Architect Certificate required, Energy Dues against CA and Enforcement Dues against CA".

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CCRF (BYPL)

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2. OP in its reply briefly stated that the complainant is seeking new connection for a shop on the ground floor of premises bearing no. 1/6625 B, GF Gali No-4, Near By Channa Studio, Rohtash Nagar, Shahdara, Delhi -110032 vide request no 8006884389 for a 1 KW commercial (NX) connection at said premises.

On inspection it was found that the applied premises having a building structure of ground floor + four floors over it. It was observed that the same building is divided into two parts and has a common entrance. A shop and parking on the ground floor of both sides of the entrance was found. The applied shop is on the left-hand side (LHS) of the entrance. After verification, the application of the complainant was rejected on account of energy dues and for want of an architect certificate to clarify that the building height is within 17.5 meters as the building has parking on the ground floor. The details of the outstanding dues claimed from the complainant are herein below.

S.No.	CA No.	R/C	Address	O/S AMT.
1)	101333295	Parmita Rani	1/6625	206254/-
2)	101359223	Champa Rani	1171/1-Old, 1/6625- New	19136/-
3)	101362480	Raj Kumar	1/6625	5068/-

It is submitted that at the time of receipt of the application for granting the existing connection in the name of the complainant, the dues against the aforementioned connections were claimed, however, the connections were granted In terms of the CGRF order dated 04.09.2018 subject to fulfillment of the requirements as laid down in the order. Complainant is required to clear the outstanding dues and submit the architect certificate from a MCD approved architect, failing which no new electricity connection can be granted at the subject premises.

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3. In response to the reply the complainant filed rejoinder refuting therein the contentions of the respondent as averred in their reply. The complainant has applied for new connection for a shop on the ground floor of property bearing plot no. 1/6625 B, GF Gali No-4, Nearby Channa Studio, Rohtash Nagar, Shahdara, Delhi-110032. It is specifically denied that after verification, the application of the complainant was rejected on account of energy dues and for want of an architect certificate to clarify that the building height is within 17.5 meters as the building has parking on the ground floor. It is further submitted that the dues mentioned by the respondent are well before the date of the order of Hon'ble CGRF dated 04.09.2018.
4. OP was directed to conduct site visit to ascertain the premise to which the dues pertains as the OP's reply stated that same premises are divided into two parts and has common address.
5. OP submitted site visit report and it is submitted by OP in its report that subject site plot is very big which is divided into five portions. All the portions have buildings and connections; therefore it is difficult to ascertain the dues of CA no. 101333295, 101359223 and 101362480 pertains to which portion.
6. Heard both the parties and perused the record.
7. We have gone through the submissions made by both the parties. From the narration of facts and material placed before us and as per latest site report filed by OP stating therein it is difficult for them to ascertain the pending dues pertains to which portion. Therefore, we are of considered opinion that the dues are not payable by the complainant for release of new electricity connection.

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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.
9. Therefore, respondent may be directed to provide the connection with the condition that at the time of release of new connection.

ORDER

The complaint is allowed. Respondent is directed to release the new connection applied by complainant vide application no. 8006884389 at premises no. 1/6625B, GF, Cali No. 4, Nearby Channa Studio, Rohtash Nagar, Shahdara, Delhi-110032 after completion of all the commercial formalities as per DERC Regulations 2017.


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.


(H.S.SOHAL)
MEMBER


(P.K. AGRAWAL)
MEMBER (LEGAL)


(P.K.SINGH)
CHAIRMAN

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Secretary
F(BYPL)