



C A No. Applied For
Complaint No. 98/2024

In the matter of:

Nanda

.....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)
5. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Imran Ul Haq Siddiqi, Counsel of the complainant
2. Mr. Akash Swami, Ms. Chhavi Rani, & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 14th May, 2024

Date of Order: 20th May, 2024

Order Pronounced By:- Mr. P.K. Singh, Chairman

1. The brief facts of the case giving rise to this grievance are that complainant Nanda has applied for new electricity connection at premises no. CN-185, GF, T-huts, Kishan Kunj Extension, Laxmi Nagar, Near SDM Office, Delhi-110092, vide application no. 8006756536. The application of consumer was rejected by Opposite Party (OP) BYPL on the pretext of temporary structure, no space for meter installation.

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Secretary
CGRF (BYPL)

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2. The respondent in reply briefly stated that new electricity connection has been applied by the complainant vide request no. 8660756536 at GF of Jhuggi no. CN-185, GF, Kishan Kunj Extension, T-huts, Laxmi Nagar, Near SDM Office, Delhi-110092. OP further added that upon receiving the request from the complainant, site inspection was done and it was found that the applied premises is a Temporary Structure and there exists no space for meter installation thereby making it technically infeasible to grant new electricity connection.

Another site visit was conducted on 05.03.2024 wherein it was again observed that the applied premises is a Jhuggi having no permanent wall and the walls have been made out of woolen cloth coverings and even the roof is also made likewise. Thus, making the structure unfit for grant of new connection as premise is a temporary structure covered with woolen cloth.

3. Counsel of the complainant in its rebuttal refuted the contentions of OP as averred in their reply and submitted that applied premise is a Jhuggi-Jhopri built with brick walls upto 5 feet and wooden walls above covered with cloth covering and same cannot be termed unsafe as stated by OP in their reply and there is ample space for installation of meter on wooden walls of Jhuggi or toilet built with cemented walls.

Rejoinder further stated that all the nearby Jhuggis in which OP has released new connections are built up of same kind of material.

4. Heard both the parties and perused the record.
5. The issue is whether the connection of the complainant vide application number 8006756536 in JJ cluster can be released?

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CGRF (BYPL)

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6. Before disposing off the application of the complainant, it is relevant to discuss the rules and regulations applicable to this issue.

Regulation 10. New and Existing Connections:-

(3) Proof of ownership or occupancy of the premises:-

(ix) For bonafide consumers residing in JJ clusters or in other areas with no specific municipal address, the licensee may accept either ration card or electoral identity card mandatorily having the same address as a proof of occupancy of the premises.

7. As per the above said Regulation, the complainant wants new electricity connection vide application no. 8006756536 which OP rejected on the basis of temporary walls. Counsel of the complainant in its rebuttal stated that there are brick walls upto five feet and the toilet has cemented walls, the meter can be installed there also. OP alongwith its reply also submitted site visit report which states that "there is no permanent wall at Jhuggi, all walls are made by wood with cloth covering. Roof of Jhuggi is made by weed and covered by Cloth. Jhuggi structure is temporary. The structure is temporary and unsafe and prone to accident and fire etc." This site visit report is dated 05.03.2024 but does not bear signature of any official of OP, thus same cannot be relied upon. Regulations have mentioned certain Technical Specifications for installation of electricity meter in electrified and developed area, but there are no specific specifications for installation of new electricity connections in JJ cluster area.

8. Water and electricity are integral part of right to life. Hon'ble Supreme Court in the matter of Dilip (Dead) LR vs Satish, in case no. SCC online SC810 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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[Signature]
Secretary
CGRF (BYPL)

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9. Therefore, in view of above, rejection of application of new connection of the complainant is not justified. The complainant can be granted new electricity connection which can be installed by OP either on the toilet wall or on the wooden wall above cemented wall as stated by the complainant.

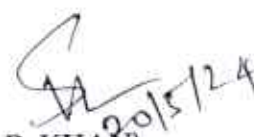
ORDER

The complaint is allowed. OP is directed to release the new connection to the complainant applied vide application no. 8006756536 either on the toilet wall or on the wooden wall above the cemented wall of five feet as stated by the complainant in its rejoinder.

OP is also 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.
Proceedings closed.


(S.R. KHAN)
MEMBER-TECH


(P.K. SINGH)
CHAIRMAN


(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM

(H.S. SOHAL)
MEMBER