

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

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SECY/CHN 015/08NKS

C A No. Applied for
Complaint No. 548/2024

In the matter of:

Parvati

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. S.R.Khan, Member (Technical)
3. Mr. P.K. Agrawal, Member (Legal)

Appearance:

1. Mr. Harish Kumar, Representative of the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal on behalf of respondent

ORDER

Date of Hearing: 28th January, 2025

Date of Order: 29th January, 2025

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

1. This complaint has been filed by Ms. Parvati, against BYPL-Mayur Vihar Ph-I & II.
2. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connection at premises no. 34/344, second floor, block no. 34, Trilok Puri, Delhi-110094 vide request no. 8006995814.

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CGRF (BYPL)

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The application of complainant was rejected by Opposite Party on the pretext of ownership dispute/court case, BYPL Pole found encroached by the complainant.

3. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking for new domestic connection at second floor of premises no. 34/344, Block no. 34, Trilok Puri, Delhi-110091 vide request no. 8006995814. The application of the complainant for new connection was rejected on grounds of that the applied premises is completely unsafe and does not meet the technical feasibility for the grant of new connection as AB cable is completely inside the premises, BYPL pole found encroached and the applied premises is also having ownership dispute. Hence, violation of the provisions of Electricity Act and Regulations framed in respect to DERC Supply Code 2017.
4. The complainant in its rejoinder submitted that the complainant purchased the property no. 344/34, 2nd floor, block-34, Trilok Puri, Delhi-110091 in February 2024. The complainant applied for new electricity connection vide request no. ANMVR0608241154 on 06.08.2024 which was rejected by OP on grounds of AB cable encroachment. The complainant also stated that there are connections on ground floor and first floor of the property in question. It was further added that all the other buildings in the area have similar situation and all have electricity connections.
5. Heard both the parties and perused the record:

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CGRF (BYPL)

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6. From the narration of facts and material placed before us we find that the complainant applied for new electricity connections on the second floor of property bearing no. 344/34, 2nd floor, block-34, Trilok Puri, Delhi-110091. The application of the complainant was rejected by OP on two grounds firstly there is ownership dispute and secondly, the AB cable is completely inside the premises, BYPL pole found encroached.

Regarding the first objection of OP, the complainant has submitted GPA dated 13.09.2023 in her favour from one Sh. Rajender Verma, and during course of arguments, OP has admitted that they are satisfied with the GPA or ownership documents provided by the complainant.

Regarding the second objection of the OP, that the complainant has encroached AB cable, in this regard, certain photographs are placed on record by the complainant, which clearly shows that the cables are hanging on iron-angle and the other occupants of the building i.e. ground floor and first floor of the subject building have electricity connections.

Now the question arises that how OP has released connections to the other portion of the building when the AB cable is inside the building. Since the cable is insulated and it is more hanging at the first floor where already a connection exists, therefore granting new electricity connection to the complainant cannot be denied.

7. The factual position of the case, as apparent from the documents and photographs, there is no pole encroachment, the AB wires are hanging on the fitted iron angles in the building where the respondent has already given two connections on the Ground Floor and First floor and complainant's required connection is for the second floor. Even as per law as mentioned in Regulation 60 (3) of above Regulation 2010 if the distance is less than 1.2 meter, connection can be given if it is adequately insulated.

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- There is no dispute regarding the fact that the supply of electricity is totally insulated wire. Hence, on this very ground complainant cannot be deprived of the electricity connection.

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. In the present circumstances of two consumers of GF & FF has been given connection and on the basis of no proper clearance from the AB Cable complainant cannot be deprived off connection. We are of the view that the respondent may be directed to provide the connection.

ORDER

Complaint is allowed. Respondent is directed to release the connection applied by complainant after completion of all the commercial formalities and after giving the undertaking regarding the fact that he will be responsible for any mis-happening due to improper clearance from the pole.

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.

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(P.K. AGRAWAL)
Secretary
CGRF (BTE)

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

(P.K. SINGH)
CHAIRMAN 4 of 4