



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

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SECY/CHN 015M8NKS

C A No. Applied For
Complaint No. 34/2023

In the matter of:

Pramod Kumar BeriaComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmed 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. Shanty R.S. Gupta, A.R. of the complainant
2. Ms. Ritu Gupta, Mr. Imran Siddiqi, Ms. Amita Sharma, Ms. Shweta Chaudhary & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 23rd February, 2023

Date of Order: 06th March, 2023

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

1. This complaint has been filed by Mr. Pramod Kumar Beria against BYPL-GTR.
2. The brief facts of the case giving rise to this grievance are that complainant Mr. Pramod Kumar Beria applied for new electricity connection vide request no. ONGTR1909221507, ONGTR1909221547,

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ONGTR1909221557, ONGTR2009220566 and ONGTR2009220578 at premises no. 559 (part), Moti Ram Road, Ram Nagar, Shahdara, Delhi-110032, but respondent rejected his application for new connection on pretext of building appearing in MCD objection list.

3. OP in its reply briefly stated that the complainant applied for new electricity connection at ground floor of House no. 559 (part), Moti Ram Road, Ram Nagar, Shahdara, Delhi-110032 vide application no. 8005919031. OP further added that application for the new connection was rejected due to being the address of the premises for which the new electricity connections applied appearing in the objection list of EDMC as per letter no. EE (B)-II/Sh-N/2021/D-175 and EE (B)-II/Sh-N/2021/D-664 and in both the lists the said premises is appearing at sl. no. 9. The premise of the complainant has booked for unauthorized construction of ground floor with projection of Mpl land area 180 sq yards.
4. Arguments of both the parties are heard.
5. Representative of the complainant submitted that the premises booked by MCD in the name of Sh. Vineet, vide letter no. 111/B-II/UC/SH-N/2020 dated 09.10.2020. Thereafter, same premises were booked by MCD in the name of Sh. Rakesh on 11.08.2021 vide letter no. EE (B)-II/Sh.N/2021/D-175. He further submitted that OP has released the new connections at the same address one to Sh. Vineet on 27.08.2021 at address 559, FF, Moti Ram Road, Ram Nagar, Delhi-32 vide CA No. 153418899. Another, in name of Ms. Sunita Goyal, s/o Sh. Sushil Kumar Goyal, 559, SE, Moti Ram Road, Ram Nagar, Shahdara, Delhi-110032 vide CA No. 153755728 energized on 27.03.2022. CA No. 153755732 in name of Mr. Sanjay Kumar Goel, s/o Sh. Sushil Kumar Goyal, 559, 3rd floor, Moti Ram Road, Ram Nagar, Shahdara, Delhi energized on 27.03.2022 and CA No. 154026683 in name of Anurag Gupta, on 24.12.2022 at 559, UGF, Moti Ram Road, Ram Nagar, Shahdara, Delhi.

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6. LR of the OP submitted since the building is booked by MCD therefore, new connection is not feasible.
7. Heard both the parties and perused the record. From the perusal of evidence placed on record pleadings and after hearing both the parties it is transpired that complainant asked for new connection at House no. 559 (part), Moti Ram Road, Ram Nagar, Shahdara, Delhi-110032 vide application no. 8005919031, but respondent raised objection that premise is booked by MCD vide order no. ¹¹EE (B)-II/Sh-N/2021/D-175 and EE (B)-II/Sh-N/2021/D-664. Respondent has already given connections in the same address at UGF, FF, SF and 3rd F at premises no. 559, Moti Ram Road, Ram Nagar, Shahdara and MCD has booked Mr. Vineet vide letter no. 111/B-II/UC/SH-N/2020 dated 09.10.2020.
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, four connections at same address after booking by MCD has been released by OP and now other consumer applied for new connection at the same address but OP is rejecting him new connections on pretext of MCD booking. Therefore; the complainant who had applied for new connections at the same address cannot be deprived of his right to electricity.
9. We are of the view that the 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 MCD takes any action against the encroached property then OP should be at liberty to disconnect the supply of the complainant.

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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 whenever MCD in future will take action against the illegal construction, OP is free to disconnect the new electricity connection.

The OP is also directed to file compliance report to this office within 21 days from the issue 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.

~~6/3/23~~
(P.K.SINGH)
CHAIRMAN

lay
(P.K.AGRAWAL)
MEMBER-LEGAL


(S.R. KHAN)
MEMBER-TECH


(H.S. SOHAL)
MEMBER


(NISHAT AHMAD ALVI)
MEMBER-CRM

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