

C A No. Applied for
Complaint No. 183/2025

In the matter of:

Pratibha SharmaComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Vipul Jain, Mr. Vikrant Malwal & Mr. Chandan Prajapati, Counsels of the complainant
2. Mr. Prakash Jha, Mr. R.S. Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 12th June, 2025

Date of Order: 17th June, 2025

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

1. The present complaint has been filed by Pratibha Sharma against BSES Chandni Chowk.
2. The brief fact of the case giving rise to this grievance is that the complainants applied for new electricity connection at premises no. 1755, old no. 802, right side, Gali Kuan Wali, Nai Basti Nahar Sadat Khan, Delhi-110006.

[Signature]
Attested True Copy

[Signature] ✓
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The application of complainant was rejected by Opposite Party (OP) BYPL on the pretext of MCD objection exists and Architect Certificate required for height of the building (applied at 4th floor).

3. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking new electricity connection at H.No. 1755, 4th floor, old no. 802, ride side gali Kuan Wali, Nai Basti, Nahar Sadat Khan, Delhi-110006 vide request no. 8007494221.

Upon site inspection of the said premises, it was found that the applicant has not annexed building completion certificate. Architect Certificate for the given address as the new connection has been sought on 4th floor so it is mandatory for the applicant to submit building completion certificate.

Reply further submits that the address on which the applicant has sought a new electricity connection has been booked in MCD objection list for unauthorized construction. The applicant's address is mentioned at sl. No. 1 in the MCD list dated 26.12.2019. In view of the terms of law laid down by the Hon'ble High Court of Delhi in catena of judgments and also in view of objection list circulated by MCD, the respondent is refrained from granting fresh electricity connection in the premises which are in MCD objection list. Accordingly, the complainant has to submit NOC/building completion certificate (BCC) from MCD is obtained and submitted.

Hence, Violation of the provisions of Electricity Act & Regulations framed in respect of DERC (Supply Code & Performance Standards) Regulation, 2017.

*For
Bharwad*
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Secretary
(CGRF (BYPL))

GP *by* *W*

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4. Counsel of the complainant refuted the contentions of the respondent as averred in their reply and submitted BCC issued by MCD alongwith sanctioned building map and Architect Certificate as objected by OP in their reply. The complainant further submitted that she has applied for new connection at the 4th floor domestic unit. She further submitted that 4th floor is never booked by MCD and nor there is any unauthorized construction on 4th floor, therefore the erroneous action of respondent in rejecting the application of the complainant is illegal. Rejoinder further stated that the MCD booking pertains to the year 2019 however in the year 2022, OP has provided electricity connection in the same premises vide CA no. 153620860 in the name of Khushboo Devi that too for the 1st floor.
5. Arguments of both the parties are heard.
6. From the narration of the facts and material placed before us we find that the complainant applied for new electricity connection under domestic category for 4th floor of premises bearing no. 1755, old no. 802, right side, Gali Kuan Wali, Nai Basti Nahar Sadat Khan, Delhi-110006 vide application no. 8007494221. The application of the complainant was rejected by OP on grounds of premises of the complainant booked by MCD vide letter no. D-627/EE(B)/City-S.P. Zone/2019 dated 26.12.2019.. The premises of the complainant is appearing at Sl. No. 1 in the shape of Deviation against Saral Scheme online SBP I.D. no. 10051062 dated 26.06.2018 in the shape of excess coverage at stilt, GF, FF and SF. OP also objected for submission of Architect Certificate as the connection sought by the complainant is for fourth floor.

*for
Bharat*

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7. From perusal of the documents placed on record it is clear that the complainant has fulfilled all the requirements as objected by OP in their objection letter. The complainant has submitted both the Building Completion Certificate from MCD and the Architect Certificate, thus fulfilling both the objections of OP. We also find that the MCD booking is till second floor and the complainant has applied connection at 4th floor, which apparently is not the part of the MCD booking. Also, the MCD booking is in the shape of deviation only against the sanctioned building plan, not the entire building is booked. We also find that the OP after MCD booking has released a new electricity connection on the first floor of same building in the year 2022 and that too on the basis of said BCC. Therefore, we don't find any concrete objection of OP in rejecting application of the complainant for new electricity connection.
8. In view of the above, we are of considered opinion that Water and electricity are integral part of right to life. Hon'ble Supreme Court in the matter of Dilip (Dead) LR vs Satis, 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.
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.

for
Bhagat

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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.

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.

on leave
(H.S. SOHAL)
MEMBER

b
(P.K. AGRAWAL)
MEMBER (LEGAL)

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

D
(P.K. SINGH)
CHAIRMAN
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*For
D. Zaveri*
Attested True Copy

Secretary
CGRF (BYPL)