

**C A No. Applied for**  
**Complaint No. 499/2024**

**In the matter of:**

Preeti Singh .....Complainant

**VERSUS**

BSES Yamuna Power Limited .....Respondent

**Quorum:**

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

**Appearance:**

1. Mr. Nishikant Ray, Counsel of the complainant
2. Mr. Prashant Sharma, Mr. R.S. Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal on behalf of respondent

**ORDER**

Date of Hearing: 18<sup>th</sup> February, 2025

Date of Order: 20<sup>th</sup> February, 2025

**Order Pronounced By:- Mr. S.R. Khan, Member (Technical)**

1. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connections at premises no. 750-751, Guru Ramdas Nagar Extension, Laxmi Nagar, Delhi-110092, vide requests no. 8007116252, 8007116245, 8007116335 and 8007121056. The applications of complainant were rejected by Opposite Party (OP) BYPL on the pretext of MCD Objection, NOC or Completion and Occupancy Certificate required, Dues at site and meter already exist.

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2. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking new connections at different floors of premises no. 750-751, Khasra No. 59/14, Guru Ramdas Nagar, Delhi, vide requests no. 8007116252 (DX), 8007116245 (DX), 800716335 (DX) and 8007121056 (NX). The application of the new connections were rejected on following grounds

Firstly, the property is in MCD Objection list for unauthorized construction Vide letter no. 148/B dated 22.04.2015.

Secondly, there is pending energy dues at the applied premises in the name of the complainant itself vide CA no. 10096252 amounting to Rs. 6113/- approx.

Thirdly, requisite permission for carrying out commercial activities in the basement.




Finally, meter already exists at third floor vide meter no. 35368727.

3. The complainant filed rejoinder refuting therein the contentions of the respondent as averred in their reply and submitted that she has cleared the pending dues of CA no. 10096252. Rejoinder further stated that it's not the premise of the complainant which is booked by MCD. OP raised objection regarding requisite permission for carrying out commercial activity in basement and the complainant filed trade license vide no. MGTL11241610374533 in the name of Saurav Arora. Height certificate is also attached with rejoinder.

4. Both the parties were directed to conduct joint site visit. The site visit report shows the building structure is Basement + Ground + four floors over it (new construction). It is also shown that there are three buildings of the same address. Applied building old structure was G+1 as per neighbors.

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5. Heard arguments of both the parties.
6. From the narration of facts and material placed before us we find that the complainant applied for new electricity connections on basement, 1<sup>st</sup> floor, 3<sup>rd</sup> floor and 4<sup>th</sup> floor of premises bearing no. 750-751, Khasra No. 59/14, Guru Ramdas Nagar, Delhi vide application numbers 8007116252, 8007116245, 800716335 and 8007121056. OP rejected the applications of the complainant on the grounds of MCD booking, same site energy dues, requisite permission for carrying our commercial activities and meter already exists at third floor with meter no. 35368727.

Regarding the first objection of OP of MCD booking, we find that the OP has not filed any MCD booking list on record, they have filed a screenshot of MCD portal showing MCD booking of year 2015 against the unauthorized construction in the shape of room, kit, toilet etc at GF and FF. The current site visit report shows there are three properties of same address and none of the building structure is matching with the MCD booking. The complainant's building structure is basement + ground + four floors over it and it is a newly constructed building. Even if we considered the premise of the complainant was booked by MCD, but it was the earlier structure which was booked by MCD and now its newly constructed building.

Regarding the second objection of OP of pending energy dues, the same are paid by the complainant.

Third objection of OP was requisite permission for carrying commercial activity at the basement, the complainant filed trade license from MCD for basement, of premise no. 750-751, Guru Ramdas Nagar Extension, Delhi.

OP also raised objection of existing meter at the applied third floor which is denied by the complainant but neither the complainant nor

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OP submitted any proof on record to support their contention

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7. Thus, the objection of the OP of MCD booking is not justified and even if the MCD booking is considered, then the structure which was booked by MCD has now been totally demolished and we cannot deprive the complainant of electricity. Therefore, OP is hereby directed to grant the application of the complainant for electricity connection in the applied premises.

The other two objections of OP has been duly fulfilled by the complainant and regarding the objection of OP of existing meter at third floor, OP should take actions as per law.

8. Water and electricity is integral part of right of life. **Hon'ble Supreme Court in the matter of Dilip (dead) LR Vs Satish, in the case no. SSC 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. In the facts and circumstances aforesaid, we are of the view that the respondent may be directed to provide the connections on basement, first and fourth floors with the condition that at the time of release of new connection the complainant should file an affidavit that if in future MCD takes any action against the property then OP should be at liberty to disconnect the supply of the complaint is allowed. For the connection at third floor, OP should release the connection after confirming where the connection on the third floor is catering electricity supply and also verifying their records.



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ORDER


Complaint is allowed. Respondent is directed to release the new connections as applied for by the complainant vide application no. 8007116252, 8007116245, 8007116335 and 8007121056 at premises no. 750-751, Guru Ramdas Nagar Extesin, Laxmi Nagar, Delhi-110092, after completion of all the commercial formalities and after submitting the undertaking by the complainant regarding the fact that whenever MCD in future take any action, OP is free to disconnect the new electricity connections.


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.

  
(P.K. AGRAWAL)  
MEMBER (LEGAL)

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

  
(P.K. SINGH)  
CHAIRMAN

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