

C A No. Applied for
Complaint No. 254/2024

In the matter of:

Prem Singh 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. Vinod Kumar, Counsel of the complainant
2. Mr. Akash Swami & Mr. Akshat Aggarwal On behalf of BYPL

ORDER

Date of Hearing: 2nd July, 2024

Date of Order: 08th July, 2024

Order Pronounced By:- Mr. P.K. Agrawal, Member (Legal)

1. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connections at premises no 10468/1, at First Floor, Second floor and third Floor, Gali No. 2, Bagichi, Allaudin, Motia Khan, Paharganj, Delhi-110055, vide requests no. 8006791351, 8006791446 and 8006791450. The application of complainant was rejected by OP on the pretext of NCD (Objection NOC or Completion and occupancy Certificate required.

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CGRF (BYPL)

1 of 3

2. The respondent in their reply briefly stated that the complainant applied for three new electricity connections at first, second and third floor in premises no. 10468/1, , Gali No. 2, Bagichi, Allaudin, Motia Khan, Paharganj, Delhi-110055. The details of the applications are mentioned below:

S. No.	Application No.	Address of the Premises
1.	8006791351	10468/1, First Floor
2.	8006791446	10468/1, Second Floor
3.	8006791450	10468/1, Third Floor

The applications of the new connections were rejected as the property is in MCD objection list of unauthorized construction vide letter no. D-107/EE (B)-I/C-SPZ/2023 dated 02.06.2023 at serial no. 12 which was received by the respondent department on 13.06.2023. At the time of inspection, it was discovered that applied premises having a building structure of Ground+4 and at present no meter exist at site.

OP submitted in view of the aforesaid objections, no new connections can be released to the complainant as the applied premises stands booked on account of unauthorized construction and grant of connection at such applied booked premises would be in direct violation of the provisions of the Delhi Electricity Regulatory Commission (Supply Code & Regulatory Commission Standards) Regulations, 2017.

3. Rejoinder filed by the complainant refuted the contentions of the respondent as averred in their reply and the complainant submitted that as per MCD booking list, the property bearing no. 10468, Gali No. 3 and 4, Bagichi Allauddin, Motia Khan, Paharganj, Delhi was wrongly booked by the MCD but actually the complainant is the owner of the

Complaint No. 254/2024

property bearing no. 10468/1, Gali No. 2, Bagichi Allauddin, Motia Khan, Paharganj, Delhi. It is further submitted that after rejection of his connection, the complainant approached the MCD Department and moved an application regarding the booking of property bearing no. 10468/1, Gali No. 2, Bagichi Allauddin, Motia Khan, Paharganj, Delhi, thereafter MCD gave clarification vide letter dated 11.01.2024 thereby stating that "as per record of building department, CT SP Zone no any booking is found in respect of property No. 10468/1, Gali No. 2, Bagichi Allauddin, Motia Khan, Paharganj, Delhi". It is further submitted that the complainant approached the MCD Department for booking of his property and told about non-booking of his property because his property is of only 40 square yards. It is very important to mention here that there are four property of the same number as 10468. It is further submitted that when the complainant had approached to the officials of the MCD and enquired about the booking of his property and where the official of the complainant told that the property bearing No. 10469, Gali No. 3 and 4 is booked by MCD.

4. Argument of both the parties is heard and perused the record.
5. From the narration of facts and material placed before us we find that OP has rejected the application of the complainant for new connection on the pretext of MCD Objection or NOC required and Completion and occupancy Certificate required. The counsel of the complainant argued that the after the receiving the rejection letter, the complainant contacted to MCD officials to clarify the situation and MCD has given a clarification in

25 Feb 4
3 of 5

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CGRF (BYPL)

Complaint No. 254/2024

letter no. D/AE(B) -I /CSPZ/2024/1965 dated 11.01.2024 to the complainant in which it has been clarified that no any booking has been found in respect of property no. 10468/1, Gali No. 2, Bagchi Allauddin, Motia Khan, Paharganj, Delhi-55.

6. We find that the complainant has placed sufficient documents in support of his contention that its not his property which is booked by MCD and its other property which falls in Gali no. 3 and 4 which is booked by MCD. Thus, the objection of the OP is not justified and we cannot deprive the complainant of electricity. Therefore, OP is hereby directed to grant the application of the complainant for electricity connections in the applied premises.
7. Water and electricity is integral part of right to life. Hon'ble Supreme Court in the matter of Dilip(dead) LR Vs Satish, in the case no. SCC 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.
8. In view of the facts and circumstances aforesaid, 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 in future MCD takes any action against the Property then OP should be at liberty to disconnect the supply of the complainant is allowed.


4 of 5

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CGRF (BYPL)

ORDER

Complainant is allowed. OP is directed to release the new electricity connections as applied for by the complainant vide application no. 8006791351, 8006791446 and 8006791450 at premises No. 10468/1, First Floor, Second floor, third Floor, Gali No. 2, Bagichi, Allaudin, Motia Khan, Paharganj, Delhi-110055 after completion of all the commercial formalities as per DEREC Regulations 2017 and after submitting the undertaking by the complainant regarding the fact that whenever MCD/any Government agency in future takes any action, OP is free to disconnect the new electricity connections.

OP is further 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.


(S.R. KHAN)
MEMBER-TECH


(P.K. SINGH)
CHAIRMAN


(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER