

C A No. Applied for
Complaint No. 349/2024

In the matter of:

Priya Tomar & Varun Gupta

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmad Alvi, Member (CRM)
3. Mr. P.K. Agrawal, Member (Legal)
4. Mr. S.R. Khan, Member (Technical)

Appearance:

1. Mr. Himanshu Jaiswal, A.R. of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal, on behalf of respondent

ORDER

Date of Hearing: 13th August, 2024

Date of Order: 20th August, 2024

Order Pronounced By:- Mr. Nishat A Alvi, Member (CRM)

1. The brief facts of the case giving rise to this grievance are that the complainants applied for a new electricity connections at premises no. 1/424/45, Old No. 340/45, Second & Third Floor, Friend Colony, Industrial Area, GT Road, Delhi-110095 vide requests no. 8006949529 & 8006945255. The applications of complainants were rejected by Opposite Party (OP) BYPL on the pretext of MCD Objection, NOC or

Attested True ~~Completion~~ and Occupancy Certificate required.

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2. The respondent in reply briefly stated that the present complainant has been filed by complainant seeking for two new connections at premises 1/424/45, Old No. 340/45, Second & Third Floor, Friend Colony, Industrial Area, GT Road, Delhi-110095 vide requests no. 8006949529 & 8006945255. The applications of the new connections were rejected on account of property is in MCD Objection list of unauthorized construction Vide letter no. EE(B)-I/SH(N)/2023/D-151 dated 25.07.2023 at serial No. 221 & 23 in the shape of unauthorized construction at basement, Ground Floor, First Floor, Second Floor (Occupied Area =150 Sq. Yards.)

That upon inspection of such premises it was discovered that address of the applied site is reflected in the objection list of MCD portal wherein the applied site is booked by MCD. Hence, the new connections have rightly been denied by the Respondent as the same is against the provisions of the DERC (Supply Code & Performance Standards) Regulation 2017.

3. The complainants in their rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the property of the complainant is not booked by MCD on account of unauthorized construction. The address booked by MCD is 340 (Part) Friends Colony, Industrial Area, Jhilmil, Delhi (Land Area=150square Yards), whereas the address of the complainant is quite different from the booked property. The Complainant is owner of property no. 1/424/45, Friends Colony, GT Road, Shahdara, Delhi-110095(Land Area=98 square Yards) and also placed registered sale deed in support of their contentions.

4. Heard arguments of both the parties were heard at length.

Attested True Copy
Secretary
CGRF (BYPL)

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5. Regarding complainant's objection of her premises being 1/424/45, and not 340/45, Friends Colony, GT Road, Shahdara, Delhi-110095, if we go through sale deed dated 05.01.2024 it specifically shows that number of complainant's premises is new number of old no. 340/45 of the same. Thus we don't find any difference between 340/45 and 1/424/45. Now only thing we have to see as to the premises no. 340/45 also comes with 340(part) as shown booked by MCD. In this regard if we go through this Sale Deed itself we find that there are multiple properties of same address and it is difficult for us to ascertain which one of these different properties is booked by MCD. Besides we also find a difference between booked property and complainant's property in as much as the area of booked property is 150 sq. yards and that of the complainant is 98 sq. yards. Thus OP can't establish beyond doubt that it is certainly complainant's premises which is booked by MCD. Thus we don't find any justification in OP's rejection of complainant's request which is merely on the basis of suspicion while as per Hon'ble Supreme Court in the matter of Dilip (dead) LR Vs Satish, in the case no. SSC 810 dated 13.05.2022 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.

6. In the facts and circumstances aforesaid, we are of the considered view that the complainant may be granted the connection. However, to sage guard the interests of welfare state, grant of the same should be subject to condition that the complainants should file an affidavit that if in future MCD takes any action against this specific property then OP should be at liberty to disconnect the supply of the connection so granted.

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ORDER

Complaint is allowed. Respondent is directed to release the new connections as applied for, by the complainant vide application nos. 8006949529 & 8006945255 on Second & Third Floor at premises no. 1/424/45, Old No. 340/45, , Friend Colony, Industrial Area, GT Road, Delhi-110095 after completion of other commercial formalities as per DERC Regulations 2017. Prior to release of the connection the complainant is directed to submits the undertaking by the way of affidavit regarding the fact that whenever MCD in future take 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.


(NISHAT A ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN
20/8/2024

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