



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
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SECY/CHN 015/08NKS

C A No. Applied For
Complaint No. 452/2024

In the matter of:

Pushpa Dua & Jugesh DuaComplainant

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 (Tech.)
4. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Mr. Akash Swami, Mr. R.S Bisht, Ms. Chhavi Rani & Akshat Aggarwal on behalf of respondent.

ORDER

Date of Hearing: 17th December, 2024

Date of Order: 19th December, 2024

Order Pronounced By:- Mr. H.S.Sohal, Member

1. The complaint has been filed by Ms. Pushpa Dua & Jugesh Dua against BYPL-GTR. The brief facts of the case giving rise to this grievance are that Pushpa Dua & Jugesh Dua applied for new connection vide request no. ONGTRI406240070 & ONGTRI406240053 at premises no. 340/2/25, T.F. Gali No.-1, Friends Colony, Industrial Area, Delhi - 110095, but respondent rejected the application of the complainant for

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new connection due to "Clear MSME Form Required and Clear DPCC Form Applied Floor Required and GST Required".

2. OP in its reply briefly stated that the complainant is seeking new NX connections on the second floor and third floor of premises bearing no. 340/2/25, Gali No.-1, Friends Colony, Industrial Area, Delhi - 110095 vide request no ONGTRI406240070 & ONGTRI406240053. Reply further submitted that the instant complainant is not maintainable and is a premature complainant which is liable to be dismissed by this Hon'ble forum as the complainant has not rectified the deficiencies already rose, which has rendered the application as auto cancelled. Reply further adds that firstly the complainant was asked to upload legible copies of the MSME FORM which has not been compiled by the complainant and has resulted into the application getting auto cancelled. Secondly the complainant was asked to submit a legal, valid and verifiable DPCC Form pertaining to the applied floor, however the complainant is placing reliance upon certain unrelated DPCC which is against the settled principle of law, hence, as the NX connection is being sought appropriate certificate along with all the commercial formalities such as GST Registration, compliance to all the procedural business norms need to be done in strict sense by the complainant. The complainant has short circuited the stipulated procedure as applicable upon the grant of new connection by not uploading the documents on time which has resulted into auto cancellation of the application.

3. In response to the reply the complainant filed rejoinder refuting therein the contentions of the respondent company as averred in their reply and stated that the complainant has applied for NX connection which OP has wrongly pleaded in its reply have no base of any iota of truth in order to adjudicate the present case.

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It is respectfully submitted that the complainant has attached the copy of MSME Form. However, it is respectfully submitted that there is no requirement of GST certificate in the instant case and the complainant has applied for non-domestic connection and if the complainant apply for industrial connection then he was liable to file the GST certificate. It is further submitted that the respondent company recently released the number or electricity connection at the time of release of the electricity connections, the respondent company has not raised the demand to file the GST certificate. It is respectfully submitted that the complainants have complied all the formalities at the time of applying for new electricity connections as per DERC Rules and Regulations.

4. Heard and perused the record.
5. From the narration of facts and material placed before we find that the complainant has fulfilled all the requirements as raised by OP, The complainants has placed on record DPCC certificate as required, therefore we don't find any hindrance in releasing the new electricity connections as applied by them. Since, 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.

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ORDER

The complaint is allowed. OP is directed to release the new electricity connections as applied by them vide application no. ONGTR1406240070 and ONGTR1406240053 at premises no. 340/2/25, second and third floor, Gali No. 1, Friends Colony, Industrial Area, Delhi-110095 after completion of the other commercial formalities as prescribed in DERC Regulations 2017.

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.


(H.S. SOHAL)
MEMBER


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN

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