



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. 192/2024

In the matter of:

Rafiq AhmedComplainant

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. Vinod Kumar, Counsel of the complainant
2. Mr. R. S. Bisht, Mr. Akshat Aggarwal & Ms. Chhavi Rani On behalf of BYPL

ORDER

Date of Hearing: 17th December, 2024

Date of Order: 19th December, 2024

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

1. The present complaint has been filed by Mr. Rafiq Ahmed against BYPL-LNR.
2. The brief fact of the case giving rise to this grievance is that the complainant applied for a new electricity connection at premises no. R-151A, Gali No.-7, Ramesh Park Laxmi Nagar, Delhi-110092, vide requests no.8006837934.

[Handwritten signatures and initials: R, S, H, V]

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[Signature]
Secretary
CGRF (BYPL)

Complainant No. 192/2024

The application of complainant was rejected by Opposite Party (OP) BYPL on the pretext of Dues at site, Address in MCD list and Building height is more than 15 meter but complainant stated that applied address is R-151A, Gali No.-7, and booked premises no. is R-151, Ramesh Park which is different from booked premises.

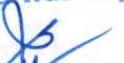
3. The respondent in reply briefly stated that the present complaint has been filed by the complainant seeking new electricity connection at the property bearing no R-151, Gali No.-7, Ramesh Park Laxmi Nagar, Delhi-110092, vide requests no. 8006837934. The application was rejected on pretext of **Firstly**; MCD Objection as the premises are booked by EE(B) II/Sh(s)/2018/D-2051 dated 10.09.2018 appearing at serial no. 33 for unauthorized construction in the shape of Basement, Ground Floor, First Floor, Second Floor, Third Floor and Fourth Floor. **Secondly**; Building structure Basement+ Ground Floor+ Four Floor over it, the height of building is more than 15 meters.

Reply further stated that upon site visit it was found that the applied address is same which is under MCD list i.e. R-151 and the property is not R-151A as claimed in the complaint or the application for new connection. OP further added that there already exist 4 connections at the said property, details are as under:

S.No.	CA No.	R/C	D.O.I.
1	153763411	Tarique Ahmed	10.05.2022
2	153402805	Sarfaraz Khan	10.08.2021
3	153402807	Ms. Farhat Jahan	10.08.2021
4	153428840	Shahnawaz Khan	10.09.2021

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CGRP (BYPL)

Complainant No. 192/2024

These connections though mention the address like applied address i.e. R-151A but they are not the same property which stands declared UC by MCD in the list dated 10.09.2018. The reasons for release of the said connections are that though the MCD booked the property vide letter dated 10.09.2018 but the sail letter/list was not available with BYPL Division-Laxminagar and the list was compiled in December 2022 and thereafter no connection has been released on the said property no. R-151.

4. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the complainant has applied for electricity connection in respect of property no. R-151A while the premises booked by MCD are R-151 and four electricity meter are installed at property no. R-151A in year 2021 & 2022. Complainant stated that property bearing no. R-151 and R-151A are different properties and have no concern with each other.

5. To confirm the statement of counsel of the complainant both the parties were directed to conduct joint site visit. Joint site visit report dated 23.09.2024 placed on record stated as under:-
 - a) Applied building and MCD booked building structure are same that is Basement+ Ground floor+ Four Floor over it.
 - b) MCD Booked structure Basement+ Ground floor+ Four Floor which pertain to gali no. 7 and applied building also in gali no. 7 with same structure. MCD booked building and applied building are same.

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6. The complainant filed Architect Certificate stated therein building no. R-151A, Gali No.-7, Ramesh Park Laxmi Nagar, Delhi-110092 is comprised of Basement, Ground Floor, First Floor, Second Floor, Third Floor and Fourth Floor and the height of the building is less than 15 meter and is accordance with the building bye laws.
7. Heard arguments of both the parties.
8. From the narration of facts and material placed before us we find that complainant applied for new electricity connection which OP rejected on pretext of **Firstly**; MCD Objection as the premises booked. **Secondly**; Building structure Basement+ Ground Floor+ Four Floor over it, the height of building is more than 15 meters.
Regarding first objection of OP, that the building is booked by MCD, in this regard, the complainant applied for new connection at premises no. R-151A, and the booked premises is R-151. The complainant is also having Voter ID card of the same address i.e. R-151A. Also, OP has released four new connections in the applied building after MCD booking in the year 2018. OP's contention that they were not having MCD booking list cannot be relied upon. As the said list have receiving of OP's office of the year 2018.
Regarding second objection of OP, height of the building, the complainant has placed on record Architect Certificate which states that the height of the building upto fourth floor is less than 15 meters.
9. 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 connection in the applied premises.

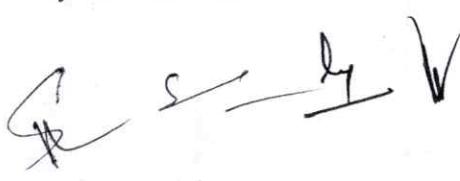
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10. Water and electricity is integral part of right to life. Hon'ble Supreme Court in the matter of Dilip(dead) LR Vs Satis, in the case no. SCC 810 dated 13.05.2022 has held that electricity is basic amenity which a person cannot be deprived off. Even on the principle of law there should be equity before law and equal protection of law in the spirit of constitution.

1. Therefore, in view of above deliberations, we are of considered opinion that OP in its own is releasing connections to others either deliberately or in connivance, thus; we cannot deny the new connection to the complainant as applied for. The complainant can be granted new electricity connection with the condition that at the time of release of new connection the complainant should file an affidavit that if in future competent authority takes any action against the property then OP should be at liberty to disconnect the supply of the complaint without serving prior notice.

ORDER

Complaint is allowed. Respondent is directed to release the new connection applied by complainant vide application no. 8006837934 at premises no. R-151A, Gali No. 7, Ramesh Park, Laxmi Nagar, Delhi-110092 after completion of all the formalities required for giving connection as per DERC Regulations 2017 and submitting the undertaking by the complainant regarding the fact that if in future competent authority takes any action, OP will be free to disconnect the new electricity connection without any further notice.


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Secretary
CCRP(BYPL)

Complaint No. 192/2024

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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Secretary
CGRA (BYPL)