

C A No. Applied for
Complaint No. 609/2024

In the matter of:

Rahul Mishra

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P. K. Singh (Chairman)
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Rohit Mishra, Counsel of the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht, Ms. Chhavi Rani & Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 09th January, 2024

Date of Order: 14th January, 2024

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

1. The present complaint has been filed by Mr. Rahul Mishra against BSES G.T. Road.
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. A-109, Ground Floor 2, Dilshad Colony, Delhi-110095, vide request no. 8007263438.

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The application of complainant was rejected by Opposite Party on the pretext of Already 2 meters on ground floor- 35067184, 35437848, but complainant stated that his floor is entirely separate from the ground floor units and having dedicated meter is essential for accurate billing and electricity consumption tracking specific to his unit.

3. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking new electricity connection at the property bearing no. A-109, Ground Floor 2, Dilshad Colony, Delhi-110095, vide request no. 8007263438. The application of the new connection was rejected on account of no separate dwelling unit exists. At the ground floor only two dwelling units exists and two connections at ground floor already exists.

At the time of inspection, it was discovered the building structure of the applied site is Ground+ 4 floors for which 8 electricity connection already exist against the existing 8 dwelling units at the applied premises, the details of which are as under:

S. NO.	CA NO.	Name	FLOOR WISE
1.	152331085	Harpreet Singh	Ground Floor
2.	151759739	Palash Kumar Biswas	Ground Floor
3.	151800995	Maqsood Ali Khan	First Floor
4.	152031058	Jagonmay Biswas	First Floor
5.	151877227	Wilson	Second Floor
6	151846238	Girish Chandra	Second Floor
7.	154526775	Dileep Singh	Third Floor
8.	151960878	Shabana Abbas	Third Floor

Reply further added that the complainant admits that there is a baccha flat in the parking area created by the builder which is as per law not permissible at all.





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Hence, the complainant is bound to make it clear that if under the grab of ground floor, connection sought for the alleged bacha flat which is otherwise not permissible under the law.

As per revisit report, one dwelling unit and one small bike parking on the ground floor. Up to fourth floor total 9 units exist which includes one flat at ground floor. Consumer applied new connection at the first floor, left hand side. At the time of revisit and checked physical supply of all flats found all meters address mismatch.

Accordingly, no feasibility is made out for grant of any new connection as mandated under DERC Supply Code.

4. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the complainant purchased a flat from CAN FIN HOME LTD through an auction on 7.10.2024, as per sale deed. The structure of building consists of four floors, with a total of nine flats within the premises. The ground floor is designated as the "First Floor" of the structure. As per latest site inspection report, the physical supply of electricity meters for all flats is mismatched. Specifically, the ground floor meter is supplying electricity to the first floor, and the first floor meter is supplying to the second floor, and the second floor meter supply to the third floor. At the time of construction, the builder designated the first floor as the ground floor. Furthermore, the complainant does not possess property papers for the first floor. Complainant stated that the previous electricity connection, registered in the same premises was installed in the name of the former owner, Ms. Pushpa Giri, bearing CA No. 151813230 has been active since February 2024. Subsequently, another meter was installed in the name of Palash Kumar Biswas, bearing CA No. 151759739 and a meter was installed for the said "Bacha Flat" in the name Harpreet Singh on 17.10.2017, bearing CA No. 152331085.





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5. From the perusal of evidence placed on record and after hearing both the parties it is transpired that the building structure where the complainant applied for new electricity connection consists of Ground+ Four floors over it. As per revisit report of OP, 9 units included one flat of ground floor and all the floors address are mismatch. Complainant applied at the first floor, left hand side which is technically first floor. There was already a meter at the applied premises and which has the same address.

From the perusal of the property documents filed by the complainant, the complainant purchased the flat having address GF 2, GF, Plot No. A-109, Dilshad Colony, Delhi, in Auction from Can Fin Homes Limited on 07.10.2024. Site visit report dated 13.12.2024 filed by the OP, shows that building structure is G+4, on GF one dwelling unit and ~~one small~~ parking ~~upto 4th floor~~. Total nine flats in the building including one flat at ground floor and two flats on each floor from 1st till 4th floor. Consumer applied new connection at FF LHS flat and there is no meter at site.

Complainant also placed on record bill of erstwhile owner of the property which was energized in 2016 and later on disconnected. The said bill shows that connection was installed at the subject premises.

All the connections installed in the subject building were installed in the year 2016. One connection in the name of Harpreet Singh having CA no. 152331085 was installed in the year 2017. Only the complainant's premise is without electricity and the complainant is well within his right to get the electricity connection.

6. Thus, the objection of OP is not justified and we cannot deprive the complainant of his right to basic amenity of life.



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Therefore, OP is hereby directed to grant the application of the complainant for electricity connection in the applied premises. Since, 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.

7. Therefore, respondent may be directed to provide the connection with the condition that at the time of release of new connection.

ORDER

The complaint is allowed. Respondent is directed to release the new connection applied by complainant vide application no. ~~800670962~~ ⁸⁰⁰⁷²⁶³⁴³⁸ at premises no. A-109, Ground Floor 2, Dilshad Colony, Delhi-110095 after completion of all the commercial formalities as per 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)


(P.K.SINGH)
CHAIRMAN