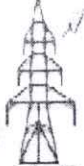


C G R F



B Y P L

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
Phone: 32978140 Fax: 22384886
E-mail: cgrfbyp1@hotmail.com
SECY/CHN 01508NKS

C A No. Applied For
Complaint No. 424/2023

In the matter of:

Rakesh Kumar 1Complainant

VERSUS

BSES Yamuna Power LimitedRespondent

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

Appearance:

1. Mr. Neeraj Kumar, Counsel of the complainant
2. Ms. Ritu Gupta & Ms. Chhavi Rani, on behalf of respondent

ORDER

Date of Hearing: 04th April, 2024
Date of Order: 24th April, 2024

Order Pronounced By:- Mr. S. R Khan, Member (Tech.)

1. The complaint has been filed by Sh. Rakesh Kumar, against BYPL- Nand Nagri. The brief facts of the case giving rise to this complaint is that the complainant applied for new electricity connection vide request no. 8006590360 at premises no. H. No. 1-B, GF, Kh. No. 33/7/1, Block C-2, Harsh Vihar, Delhi-110093.

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Secretary
CGRF (BYPL)

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Respondent rejected his application for new connection on the pretext of under construction, un-electrified area, ESS space required.

2. OP in its reply briefly stated that the complainant is seeking a fresh electricity connection at premises no. H. No. 1-B, GF, Kh. No. 33/7/1, Block C-2, Harsh Vihar, Delhi-110093. The subject area i.e. Khasra No. 33/6, C-2 block is a big khasra wherein part of the area is electrified and part of the area is not electrified. The applied premises are part of a big plot of more than 600 sq meters which is yet to be developed. On the said plot, plotting is done by cutting smaller plots of approximately 50 sq meters. Thus, the developer who has done the plotting is required to provide a space for ESS as per Regulation 22.
3. Counsel of the complainant submitted its rejoinder refuting therein the contentions of the respondent as averred in their reply and stated that he personally visited the site on 13.01.2024 and found that nearby pole no. NNGPX327S1 (main road) X336 and X337 (other north side road) on the applied premises. Hence, there is no need for ESS space. He also stated that the total build up area is 45.98 sq. meters, thus also there is no need for ESS space.
4. Both the parties were directed to conduct joint site visit. Joint site visit report submitted the details of the poles installed in the area and also the connections given from those poles. A site map is also placed on record showing that the poles are installed at the other side of the Gali and the complainant has applied for new connection on the opposite side, therefore connections from the opposite side poles are not possible.



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5. Counsel of the complainant contested that OP has released many connections from the other side of the poles to the opposite side properties.
6. OP submitted its additional submissions stating that area involved is C-2 block, Harsh Vihar, village Mandoli, Shahdara, Delhi. From the chain of ownership documents as filed by complainant, the original plot of land consisting of 3 bigahas and 13 biswa was an agricultural land owned by Sh. Tej Pratap Singh. Sh. Tej Pratap Singh sold the said land vide sale deed dated 20.04.2012 in favour of two brothers namely Sh. Pradeep Garg (area 2 bigahas 8 biswa) and Sh. Sandeep Garg (area 1 bigahas and 5 biswa). Part of this land is developed by Sh. Pradeep Garg and Sandeep Garg by cutting plots of smaller sizes and selling the same to various persons by way of customary ownership documents like GPA and agreement to sell etc.
- OP further stated that C-2 block is partly electrified. The central stack of C-2 block is un-electrified whereas stacks on left and right side are electrified by way of HVDS system and electricity network exists in the shape of poles whereon 25 KVA transformers are installed which convert HT current into LT current and supply the electricity to nearby premises. No such network exists in the central stack of C-2 block wherein the applied premises exists.
7. From the narration of facts and material placed before us we find that block C-2, Khasra no. 33/6 was a big plot from which developer has done plotting by cutting small plots of approximately 50 sq meters and these plots were sold to different owners by virtue of sale deed or GPA. As per OP, since the khasra was big plot measuring more than 600 sq meters, therefore the developer has to provide space for installation of ESS, to cater the electricity to the residents of the area

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Block C-2 is partly electrified. The central stack of C-2 block is un-electrified whereas stacks on left and right side are electrified by way of HVDS system and electricity network exists in the shape of poles whereon 25 KVA transformers are installed which convert HT current into LT current and supply the electricity to nearby premises.

Now the question arises here is, are the plot owners of 50 sq meters capable/able to provide the land for installation of ESS. Whether the developer is around in the area or has left the place after cutting the plots.

Regarding this fact, we are of considered opinion that by not providing new connection is not a solution to this problem. And providing new connection to the complainant will open door for others too to get new electricity connection which will be not possible for OP to grant so many connections with the limited resource available. It is also a fact that the area is electrified through HVDS system.

Therefore, both the parties are directed to explore the possibility of either installation of ESS in the area or installation of more poles with HVDS system to cater uninterrupted supply in the area.

Rejecting new connection to the complainant would not be justified since electricity is essential for the livelihood of a person. Regarding the present complaint, for grant of new electricity connection, at present OP has scope for providing new connection to the complainant from the existing poles/network available in the area.





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8. 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.

ORDER


The complaint is allowed. OP is directed to release the new connection to the complainant as applied for vide request no. 8006590360 at premises no. H.no. 1-B, GF, Kh. No. 33/7/1, Block C-2, Harsh Vihar, Delhi-110093 after completion of all the commercial formalities as per DERC Regulations 2017.

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. SOHAI)
MEMBER
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