



C A No. Applied for
Complaint No. 597/2024

In the matter of:

Raman Dua

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P.K. Agrawal, Member (Legal)
2. Mr. S.R. Khan, Member (Technical)
3. Mr. H.S. Sohal, (Member)

Appearance:

1. Mr. Imran Ul Haq Siddiqi, Counsel of the complainant
2. Mr. R.S. Bisht & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 25th March, 2025

Date of Order: 27th March, 2025

Order Pronounced By:- Mr. P.K. Agrawal, Member (Legal)

1. The brief fact of the case giving rise to this grievance is that the complainant applied for new electricity connections at premises no. H. No.-24, Old No.-B-24, Parking B-Block, South Anarkali, Delhi-110051, vide requests no. 8007264150, 8007264168, 8007264182, 8007264191 and 8007264195. The applications of complainant were rejected by Opposite Party (OP) BYPL on the pretext of Address in MCD Objection List and Dispute BP 910302407, but complainant stated that his applications for new connection have been declined on false grounds.

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2. The respondent in reply briefly stated that the present complaint has been filed by the complainant seeking new electricity connections at the property bearing no H. No.-24, Old No.-B-24, Parking B-Block, South Anarkali, Delhi-110051, vide requests no. 8007264150, 8007264168, 8007264182, 8007264191 and 8007264195. The applications of the new connection were rejected on account of property is in MCD Objection list of unauthorized construction vide letter no. EE(B)-I/Sh(S)2024/D-280 dated 31.05.2024 at serial No. 14 in the shape of GF, FF & wall raising on roof of FF along with projection on Govt. land, in the name of complainant Mr. Raman Dua and Dispute BP 91032407.

As per Regulation 5 (1) of DERC (Supply Code and Performance Standards) Regulations 2017, the Licensee and the consumer shall, in every respect, comply with the provisions of CEA Regulations, 2010 as amended up to date and as per Regulations 5 (3) of DERC (Supply Code and Performance Standards) Regulations 2017, the connection shall be energized only on removal of the defects.

3. In response to the reply the complainant filed rejoinder. The complainant has applied electricity connections at property bearing no. H. No.-24, Old No.-B-24, Parking B-Block, South Anarkali, Delhi-110051. Respondent has wrongly pleaded in its reply which has no base of any iota of truth in order to adjudicate the present case.

During the course of arguments, the complainant submitted BCC from MCD and sanctioned building plan, to the effect of pray for release of new electricity connection. OP vide their mail dated 18.03.2025 submitted that Occupancy Certificate was sent to MCD for the Confirmation of authenticity, but still they have not received any confirmation from MCD.

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4. Heard both the parties and perused the record.
5. From the narration of facts and material placed before us we find that complainant applied for new electricity connections which OP rejected on grounds of Building booked by MCD under section 343 and 344 of DMC Act vide letter no. . EE(B)-I/Sh(S)2024/D-280 dated 31.05.2024 at serial No. 14 in the shape of GF, FF & wall raising on roof of FF along with projection Govt. land, in the name of complainant Mr. Raman Dua. Against the MCD booking dated 31.05.2024 the complainant submitted Occupancy cum completion certificate (Online ID No. 20016688) issued by MCD dated 09.02.2025. OP on multiple occasions via mail wrote to MCD to verify the BCC submitted by the complainant but received no reply from the MCD office.
6. The complainant cannot be kept waiting for the reply from MCD, and we cannot deprive the complainant of electricity. Therefore, OP is hereby directed to grant the application of the complainant for electricity connections in the applied premises with the condition that the complainant would file an affidavit to respondent stating therein that if in near future MCD takes any action against the property of the complainant, OP is free to take action as per law.
7. 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.

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8. Therefore, respondent may be directed to provide the connection with the condition that at the time of release of new connection the complainant should file an affidavit that if in future MCD takes any adverse action against the his property then OP should be at liberty to disconnect the supply of the complaint.

ORDER

The complaint is allowed. Respondent is directed to release the new connections applied by complainant vide application no. 8007184210, 8007264150, 8007264168, 8007264182, 8007264191 and 8007264195 at premises no. . H. No.-24, Old No.-B-24, Parking B-Block, South Anarkali, Delhi-110051 after completion of all the commercial formalities required for giving connection as per DERC Regulations 2017 and submitting the undertaking by the complainant regarding the fact that if in future any authority takes may action, OP will be free to disconnect the new electricity connection without any further notice.

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.)

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