



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

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SECY/CHN 015/08NKS

C A No. Applied For Complaint No. 500/2024

In the matter of:

Ritu Bhatia & Kush Bhatia

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

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. Ms. Ritu Bhatia & Kush Bhatia, Complainant
2. Mr. Akash Swami, Mr. R.S Bisht, Ms. Chhavi Rani, & Mr. Akshat Aggarwal on behalf of respondent.

ORDER

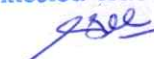
Date of Hearing: 03rd December, 2024

Date of Order: 05th December, 2024

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

1. The complaint has been filed by Ms. Ritu Bhatia & Kush Bhatia against BYPL-Karkardooma. The brief facts of the case giving rise to this grievance are that Ms. Ritu Bhatia & Kush Bhatia applied for new connection vide request no. 8007096630, 8007096601, 8007096650, 8007096665 at premises no. 31/34, Upper Ground to Third Floor, Gali No. 1, Bhikam singh colony, Vishwas Nagar, Delhi -110032.

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Secretary
CGRF (BYPL)

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Complaint No. 500/2024

The respondent rejected the application of the complainant for new connection on grounds of "Same site MCD booking for unauthorized construction but complainant stated that all objections raised by respondent are without rhyme and reason. Therefore, she requested the forum to direct the respondent for release of new connection.





2. OP in its reply briefly stated that the complainant is seeking Multiple new electricity connections vide request no. 8007096630, 8007096601, 8007096650, 8007096665 for the premises bearing no. 31/34, Upper Ground to Third Floor, Gali No. 1, Bhikam Singh Colony, Vishwas Nagar, Delhi -110032.

S.No.	Application no.	Address of the premises
1.	8007096601	31/34, Upper Ground Gali No. 1, Bhikam singh colony, Vishwas Nagar, Delhi -110032,
2.	8007096630,	31/34, First Floor, Gali No. 1, Bhikam singh colony, Vishwas Nagar, Delhi -110032,
3.	8007096650	31/34, Second Floor, Gali No. 1, Bhikam singh colony, Vishwas Nagar, Delhi -110032,
4.	8007096665	31/34, Third Floor, Gali No. 1, Bhikam singh colony, Vishwas Nagar, Delhi -110032,

At the time of inspection of the said premises, it was discovered that there are several deficiencies which are in direct violation of the DERC Regulations 2017. The respondent submits that upon site inspection, applied site is found to be booked on account of unauthorized construction as detailed out in the MCD booking list dated 22.06.2018. Respondent submits that upon site revivification, it was duly confirmed that the applied premises and booked premises are identical and same.

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Complaint No. 500/2024

Hence, no new connection can be released at the applied premises. Accordingly no new connection can be granted till the submissions of NOC/Building completion certificate (BCC) from MCD is obtained and submitted.

3. In response to the reply the complainant filed rejoinder. The complainant has applied electricity connection at 31/34, Upper Ground to Third Floor, Gali No. 1, Bhikam singh colony, Vishwas Nagar, Delhi - 110032. It is also submitted that on applied premises one connection having CA no. 150202358 in the name of Sunita Gupta was installed which was removed on 25.03.2022. Rejoinder further states that the complainant has filed MCD sanctioned plan in their support. Along with rejoinder, the complainant also submits screen shot of MCD site, which shows that the Building Completion Certificate has been issued.
4. Heard both the parties and perused the record.
5. During the course of arguments, the counsel for the complainants moved an application that he does not wish to pursue the matter anymore and wishes to withdraw the case. Parallely, the complainants moved an application before the Forum, that they would argue their case themselves.
6. Now the question is whether new connections can be granted to the building which is alleged by OP is booked by MCD under Section 343 and 344 of DMC Act.
7. From the perusal of the records placed before us we find that the complainants applied for four new electricity connections at premises no. 31/34, Upper Ground to Third Floor, Gali No. 1, Bhikam singh colony, Vishwas Nagar, Delhi -110032, which were rejected by OP on grounds of MCD booking.

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Complaint No. 500/2024

As per the MCD booking list no. EE(B)-I/Shah(S)/2018/D-722 dated 22.06.2018. OP alleges that the complainant's property is mentioned at sl. no. 19 of the said list which states that 31/34B, Gali No. 1, Bhikam Singh Colony, is booked for unauthorized construction in the shape of GF and FF.

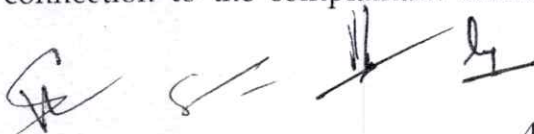
8. Against the application of the complainant for new connection, the following observations were made:-

- a) We find that the MCD booking is of the year 2018, whereas the complainant applied for a new temporary connection for construction purpose in the year 2022 and same was granted by OP without any MCD objection.
- b) We also observed that the MCD booking is for property bearing no. 31/34B, Gali No. 1, Bhikam Singh Colony, whereas the complainant's address is 31/34, Gali No. 1 and on the same address OP has given temporary connection.
- c) Also, a bill of CA no. 150202358 in the name of Suita Gupta, which was earlier installed in the premises in question possess the same address i.e. 31/34, GF, Gali no. 1, Bhikam Singh Colony.
- d) Above all, the complainants in their support have submitted Sanction Building Plan vide Request ID no. 10105269 and Architect Certificate.

9. From the above deliberations, it is clear that it is not the property of the complainant which is booked by MCD. Even if it is the property of the complainant, then also the booking is of the year 2018 and complainants have fully demolished the earlier structure and then build an entirely new building, thus the said booking stands nullified. Therefore, we are of the opinion that the new connection to the complainant cannot be denied.

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Secretary
CGRF (BYPL)



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10. 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.

ORDER

The complaint is allowed. OP is directed to release the new electricity connection to the complainants as applied for by them vide request no. 8007096601, 8007096630, 8007096650 and 8007096665 at their premises no. 31/34, UGF to third floor, Gali No. 1, Bhikam Singh Colony, Vishwas Nagar, Shahdara, Delhi-110032 and after completion of other 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 the 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 finality.

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