



C A No. Applied for
Complaint No. 05/2024

In the matter of:

Riya Gupta & Pawan KumarComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P. K. Singh (Chairman)
2. Mr. Nishat A. Alvi, Member (CRM)
3. Mr. S.R. Khan, Member (Technical)
4. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Shanky RS Gupta, A.R. of the complainant
2. Ms. Ritu Gupta & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 27th June, 2024

Date of Order: 02nd July, 2024

Order Pronounced By:- Mr. P. K. Singh (Chairman)

1. The brief facts of the case giving rise to this grievance are that the complainants applied for new electricity connections at Shop No.-66/2 and 66/3, Part of Property No. 66, Phase I and II DDA Market, New Seelampur, Delhi-110053, vide requests no. 8006617485 and 8006617470. The application of complainant was rejected by Opposite Party (OP) BYPL on the pretext of Meter already Exists but complainant stated that meter exists at Property No. 66 and not at Property No. 66/2 and 66/3.

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Secretary
CGRF (BYPL)

Complainant No. 05/2024

2. The respondent in their reply briefly stated that the complainants asked for two new electricity connections in a DDA Shop numbered as 66 on the Ground Floor, Phase 1&2, DDA Market, New Seelampur, Shahdara, Delhi. The details of the applications are mentioned below:

APPLICATION NO.	APPLICANT	ADDRESS
8006617485	Pawan Kumar	66/2
8006617470	Riya Gupta	66/3

The said shop is a DDA allotted shop having single number as 66. The connections sought are for non-domestic purposes. The site was visited and it was observed that the shop on the ground floor has been divided into three parts. It was further observed that an electricity meter already exists for DDA allotted shop no. 66, and it was energizing the first divided portion of the shop. Therefore, the applications were rejected on the ground that an electricity connection already exists and that DDA allotted single shop which is reconstructed and divided into three parts, hence DDA approval for alteration, renovation of shop is required. It is submitted that DDA shop is a single shop which cannot be converted into three different shops. The said shop being a single shop can have only one connection which already exists in the name of Mr. Said Misra having CA No. 101217517.

3. Rejoinder filed by the complainants refuted the contentions of the respondent as averred in their reply and submitted that Shop No. 66/2 and Shop no. 66/3 have been constructed by dividing Shop No. 66 in which DDA has no objection and neither does MCD has any objection. Opposite Party has earlier also given connections to the divided shops in the same complex.

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4. Heard both the parties and perused the record.
5. The issue is whether the new connections can be provided to the sub-divided shops?
6. From the narration of facts and material placed before us we find that complainant applied for two new electricity connections which OP rejected on pretext of Meter Already Exists. Complainants have placed on record property tax receipts for property bearing no. 66/2 and 66/3 for the financial year 2024-25. The site visit report submitted by OP also shows that there are number of shops which are further sub-divided and OP has released more than one meter in those sub-divided shops.

During the course of arguments, OP stated that they have released multiple connections in the sub-divided property as per their prevailing policy at that time, now the policy has changed and they can't grant the connection to the complainant. Despite giving several opportunities, OP failed to provide the policy documents.

7. 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.
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.

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Complainant No. 05/2024

9. In view of the facts and circumstances aforesaid, we are of the view that the respondent may be directed to provide the electricity connections to the complainants as applied for.

ORDER

Complaint is allowed. OP is directed to release the new electricity connections as applied for by the complainant vide application no. 8006617485 and 8006617470 at Shop No.-66/2 and 66/3, Part of Property No. 66, Phase I and II DDA Market, New Seelampur, Delhi-110053 after completion of all the commercial formalities as per DERC Regulations 2017 and after submitting the undertaking by the complainant regarding the fact that whenever DDA/any Government agency in future takes any action, OP is free to disconnect the new electricity connections.

OP is further directed to file compliance report within 21 days from the date of this order.

The case is disposed off as above. No order as to the cost. Both the parties should be informed accordingly.


H.S. SOHAL
MEMBER


NISHAT A ALVI
MEMBER(CRM)


S.R. KHAN
MEMBER(TECH.)


P.K. SINGH
CHAIRMAN