

**C A No. Applied for
Complaint No. 468/2024**

In the matter of:

Ronak Parveen

.....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 (Technical)
4. Mr. H.S. Sohal, Member

Appearance:

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

ORDER

Date of Hearing: 19th December, 2024

Date of Order: 30th December, 2024

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 a new electricity connection at premises no. 921, FF, Gali Jatwara, Tiraha Behram Khan, Delhi-110002, vide request no. 8007107729. The application of complainant was rejected by OP on the pretext of MCD Objection (polluting unit/sealed property/unauthorized construction/seismically) and pro-rata dues of C A No. 100301458 amounting to Rs. 2215/- and dues against CA No. 400024343.

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2. The respondent in reply briefly stated that the present complaint has been filed by the complainant seeking new electricity connection under domestic category at first floor of the property bearing no. 921, Gali Jatwara, Tiraha Behram Khan, Delhi-110002 vide application no. 8007107729. The application of the new connection was rejected on the grounds that the applied address in appearing in MCD objection list dated 03.01.2023 pursuant to order passed in Arpit Bhargava Vs NDMC for making building in Delhi as Seismically compliant. It is also submitted that the building having structure ground plus five floors and connection cannot be released as the complainant has not submitted a valid and legal structural safety audit report/certificate. Reply further states that pro-rata dues amounting to Rs. 2215/- pending against CA No. 100301458 and energy dues against CA no. 400024343, 400040173, 400575833, 400909163, 400909164 and 400909165.
3. The complainant was given three opportunities to file his rejoinder upon the reply of OP on dated 05.11.2024, 14.11.2024 and 28.11.2024, but complainant failed to file any rejoinder but during arguments filed a list of connections released in building.
4. Arguments of both the parties were heard.
5. From the narration of facts and material placed before us we find that the complainant's property is appearing at sl. no. 172 of MCD booking list dated 03.01.2023 which is regarding disconnection of electricity and water supply in the buildings which are not seismically compliant. We also observed that the said list is almost two years old and OP has not placed on record any document to prove that they had ^{initiated} ~~initiated~~ action against the buildings mentioned in the said list. On the other hand the complainant has provided list of connections energized in the subject building.

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We also observe that this Forum in another similar matter of Harjit Singh Vs BSES YPL vide C.G. No. 241/2023, has observed that despite MCD's order OP has not taken any action to disconnect the electricity connections installed in Vikrant Tower, therefore, Forum has directed OP to release the connection to the complainant after completion of all the commercial formalities and after giving the undertaking regarding the fact that whenever MCD in future will take action against the illegal construction, OP is free to disconnect the new electricity connection.

The Forum's orders were appealed before Hon'ble High court of Delhi by OP. and Hon'ble High Court in its order dated 09.09.2024 in W.P. (c) 16545/2023 & CM Appl. 6663/2023 & CM appl. 25821/2024 in the matter of BSES YPL Vs. Harjit Singh & Anr. Ordered as under:

14. The court is of the considered opinion that when certain action is being contemplated against an entire building as a single unit, all the occupiers of the building should be treated on an equal footing. If the respondent-corporation is of the view that the occupiers of Vikrant Tower are not in compliance if any of the government notifications or otherwise, the action thereto should be taken uniformly against all the owners/occupiers.

15. Learned counsel appearing for respondent no. 1, at this juncture, submits that he would comply with the necessary requirements and would satisfy the respondent-corporation with respect to the documents as mentioned in paragraph no. 10 of the status report.

16. The respondent-corporation is also at liberty to take necessary steps in accordance with law if it finds that respondent no. 1 or the other occupiers are in disobedience/non-compliance of any Government notification.

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However, it is to be noted that the proposed action must be taken against all similarly situated occupiers/owners.



17. The Court, therefore, under the facts of the present case, does not find any infirmity in the order passed by the CGRF.

Reserving the aforesaid liberty in favour of the respondent-corporation, at this stage, the instant writ petition stands disposed off.

OP with malafide intentions has not presented this Judgment of Hon'ble High Court before the Forum; OP has concealed the facts of this case and Forum has taken strict view to this concealment.

6. Since, water and electricity are integral part of right to life. Hon'ble Supreme Court in the matter of Dilip (Dead) LR vs Satish, in case no. SCC online SC810 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. We are of the view that the 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 MCD takes any action against the seismic property then OP should be at liberty to disconnect the supply of the complainant.


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ORDER

Complaint is allowed. Respondent is directed to release the connection applied by complainant after completion of all the commercial formalities and after giving the undertaking regarding the fact that whenever MCD in future will take action against the illegal construction, OP is free to disconnect the new electricity connection.

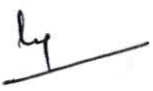
This Order shall be complied within 21 days of the receipt of the certified copy or from the date it is uploaded on the Website of the Forum; whichever is earlier.

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.)


(P.K. SINGH)
CHAIRMAN

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