



C A No. Applied for
Complaint No. 478/2024

In the matter of:

Sabila Bano

.....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 & Mr. Lalit,
On behalf of BYPL

ORDER

Date of Hearing: 19th December, 2024

Date of Order: 30th December, 2024

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

1. The present complaint has been filed by Ms. Sabila Bano against BYPL-Nand Nagri.
2. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connection at premises no. 1155, Ground Floor Shop No.-2, Janta Flats, GTB Enclave, Nand Nagari, Delhi-110093, vide request no. 8007105676.

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Secretary
CGRF (BYPL)

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The application of complainant was rejected by Opposite Party (OP) BYPL on the pretext of Same Site MCD objection exists vide letter no. 200/B-I/UC/SH-N/2014 dated 30.09.2014, and the complainant stated that many more connections have been released in the nearby premises.

3. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking for one new connection at premises No. 1155, Ground Floor Shop No.-2, Janta Flats, GTB Enclave, Nand Nagari, Delhi-110093, vide request no. 8007105676. The application of the new connection was rejected on the pretext of applied address is under MCD Booking List, vide file no. 200/B-I/UC/SH-N/2014 dated 30.09.2014 at Serial No. 200.

Hence, Violation of the provisions of Electricity Act & Regulations framed in respect thereto i.e. DERC (Supply Code & Performance Standards) Regulation, 2017.

4. Counsel for the Complainant did not file rejoinder. During course of argument, complainant has clarified that he has applied for connection at shop therefore domestic connection may be treated as NX connection.
5. Heard arguments of both the parties at length.
6. From the narration of facts and material placed before us we find that the OP raised objection of MCD booking while rejecting the application of the complainant for new connection for which OP has placed on record only screenshot of their excel sheet maintained. MCD booking list is not placed on record by OP.

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Secretary
CGRF (BYPL)

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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.
8. In the facts and circumstances aforesaid, we are of the view that the OP has failed to submit any conclusive and authentic proof that the said premises is booked by MCD. 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 action against the his property then OP should be at liberty to disconnect the supply of the complainant.

ORDER

Complaint is allowed. Respondent is directed to release the NX connection applied by complainant vide application no. 8007105676 at premises no. 1155, Ground Floor Shop No.-2, Janta Flats, GTB Enclave, Nand Nagari, Delhi-110093 after completion of all the commercial formalities and after submitting the undertaking by the complainant regarding the fact that if in future MCD take any action, 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.

Attested True Copy

Secretary
CGRF (BYPL)

(H.S. SOHAL)
MEMBER

(P.K. AGRAWAL)
MEMBER (LEGAL)

(S.R. KHAN)
MEMBER (TECH.)

(P.K. SINGH)
CHAIRMAN