

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

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SECY/CHN 013/08NKS

C A No. Applied for
Complaint No. 467/2024

In the matter of:

Sadiya Usmani & Saida Salim :Complainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

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

ORDER

Date of Hearing: 04th February, 2025

Date of Order: 10th February, 2025

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

1. This complaint has been filed by Ms. Sadiya Usmani & Sadia Salim, against BYPL-Darya Ganj.
2. The brief facts of the case giving rise to this grievance are that the complainants applied for new electricity connections vide request no. 8006993740 and 8006993731 at premises no. 379, 3rd floor, ward no. IX, Chitla Gate, Chawri Bazar, Delhi-110006.

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Secretary
CGRF (BYPL)


Complaint No. 467/2024

It is also their case that the respondent rejected the applications of the complainants on pretext of address in MCD objection list for unauthorized construction and dues of CA no. 100323310.

3. The respondent in reply briefly stated that the present complaint has been filed by complainants seeking two new electricity connections vide request no. 8006993740 and 8006993731 at third floor of premises no. 379, ward no. IX, Chitla Gate, Chawri Bazar, Delhi-110006. The applications of the complainants were rejected on account of premises being booked by MCD and appearing in MCD booking list no. D-642/EE(B)/City-S.P. Zone/2020 dated 26.01.2020 in the shape of excess coverage/deviation against SBP at GF, FF, SF and third floor. The other objection of OP is that there are pending dues at applied premises.
4. Arguments of both the parties were heard at length.
5. From the narration of facts and material placed before us we find that the complainants applied for new electricity connections on third floor of property bearing no. 379, ward no. IX, Chitla Gate, Chawri Bazar, Delhi-110006. Both the applications of the complainants were rejected by OP on pretext of applied address appearing in MCD booking list dated 16.01.2020 in the name of Khalol Ahmed in the nature of excess coverage/deviation against SBP at GF, FF, SF and 3rd floor. OP also raised objection on pending energy dues against the applied premises which needs to be cleared before release of new electricity connections to the complainant.



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With regard to the first objection of OP that the premises of the complainants are booked by MCD, in this regard from the perusal of the documents and MCD booking list the premises of the complainant are not totally booked by MCD. There is deviation from the Sanctioned Building Plan it means that there must be some deviation/change in construction from the Sanctioned Building Plan. The entire construction is not unauthorized. Since other floors of the building have separate electricity connections vide CA no. 100321235 in the name of Jaswant Singh, CA no. 100327956 in the name of Abdul Jabbar and C A no. 100352558 in the name of Zafr Mohd and only portion of the complainants is without electricity therefore, in the interest of justice the complainant cannot be deprived off with his right to basic amenity.


Also, the MCD objection list no. D-642/EE(B)/city-S.P.zone/2020 in para 2 has clearly stated that the construction has been carried out after getting the building plan sanctioned as required under Section 332 of DMC Act, 1957 but large scale non-compoundable required deviations have been notice.

Regarding the second objection of OP, that there are pending dues which needs to be cleared by the complainant, but OP has not placed on record the details of the dues.

6. 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.

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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 encroached property then OP should be at liberty to disconnect the supply of the complainant and the other occupants of the building.

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 connections in the entire building.


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.


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN

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