

C A No. Applied for
Complaint No. 194/2024

In the matter of:

Saleem & AlimComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

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. Vinod Kumar, Counsel of the complainant
2. Mr. Deepak Pathak, Mr. R.S. Bisht, Mr. Deepak Verma, Ms. Chhavi Rani, Mr. Akshat Aggarwal & Mr. Lalit, on behalf of respondent

ORDER

Date of Hearing: 30th July, 2024

Date of Order: 01st August, 2024

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

1. The brief facts of the case giving rise to this grievance are that the complainant applied for three new electricity connections at premises no. E-5/10, E-5/11, F/F, S/F, T/F, DDA Flat, E-5 Block, Nand Nagri Delhi-110093, vide requests no. 8006817077, 8006817102 & 8006817118. The application of complainant was rejected by Opposite Party (OP)

Attested True CBYPL on the pretext of MCD Objection, Unauthorized Construction.

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2. The respondent in reply briefly stated that the present complainant has been filed by complainant seeking for three new electricity connections at premises no. E-5/11, DDA Flat, E-5/10 & E-5 Block, Nand Nagari Delhi-110093, vide requests no. 8006817077, 8006817102 & 8006817118. The applications of the new connections were rejected on account of property is in MCD Objection list of unauthorized construction Vide letter no. EE(B)-I/SH-N/2022/D-336 dated 16.11.2022 at serial No. 10 in the shape of unauthorized construction at GF, FF, SF, third floor and fourth floor (roof).
3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the complainant has applied for electricity connection at the first floor, second floor and third floor. It is further submitted that as per MCD list, the booking of property is 5/10211, Near Dispensary and MCD School, Nand Nagri, Delhi and the applied address of the complainant is E-5/10, E-5/11, DDA Flat, E-5 Block, Nand Nagri Delhi-110093 and both the addresses are different and the premises of the complainant is not booked in the MCD. Rejoinder further submitted that the complainant had moved an application under Right to Information Act to the MCD Department and the official of the MCD sent the reply whereby replying that as per record the proceeding bearing No. E-5/10, E-5/11, DDA Flat, E-5 Block, Nand Nagri Delhi-110093 is not booked by this office against unauthorized construction. Further, the Department and the official of the MCD given the reply mentioned property is not booked against unauthorized construction by this office.
4. Heard arguments of both the parties were heard at length.

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5. From the narration of facts and material placed before us we find that the complainant applied for new electricity connections at premises no. E-5/10, E-5/11, DDA Flat, E-5 Block, Nand Nagri Delhi-110093 whereas property booked by MCD is having address as 5/10211, Near Dispensary and MCD School, Nand Nagri, Delhi. It is clearly evident that both the properties are entirely different from each other. Also, the complainant approached MCD through R.T.I and MCD in reply to the RTI application of the complainant has cleared that property no. E-5/10, E-5/11, DDA Flat, E-5 Block, Nand Nagri Delhi-110093 is not booked by MCD.
6. 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.
7. 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 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 as per DERCI Regulations 2017.

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


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN

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Attested True Copy

Secretary
CGRF (BYPL)