



C A No. Applied for
Complaint No. 138/2024

In the matter of:

Sameer Batra

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

1. Mr. Imran Ul Haq Siqqidi, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht & Ms. Chhavi Rani, on behalf of respondent

ORDER

Date of Hearing: 06th August, 2024

Date of Order: 08th 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 new electricity connection at premises no. CR-254, Laxmi Nagar, Delhi-110092, vide requests no. 8006796275. The application of complainant was rejected by Opposite Party (OP) BYPL on the pretext of lift fitness certificate required (zone different).

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Secretary
CGRF (BYPL)

Complainant No. 138/2024

2. The respondent in reply briefly stated that the present complainant has been filed by complainant seeking for new electricity connection at premises no. CR-254, Laxmi Nagar, Delhi-110092, vide request no. 8006796275. The premise of the complainant was visited and it was found that building structure consists of ground plus five floors with a lift duly installed.

Reply further stated that as per term of clause 6 of the new connection form, for electricity connection for lift, the applicant undertakes that he has obtained lift fitness certificate. Accordingly, in the present case also the complainant is required to submit lift fitness certificate which he has failed to do as a consequence whereof the present application stand rejected.

Reply also states that the complainant submitted one lift certificate dated 15.02.2024 bearing license no. 50890000027559. The district which issued the said certificate as per the certificate is West Delhi whereas the applied address falls under district East Delhi.

The certificate was also verified on official labor department portal. As per the information available on portal, the area mentioned against the license is West Delhi.

3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that new connection vide order no. 8006796275 was applied for the lift on ground floor of premises bearing no. CR-254, Laxmi Nagar, Delhi. The lift certificate bearing license no. 50890000027559 is issued by West Delhi District, however applied address falls under East Delhi, the said contention of OP is denied as the lift certificate is issued by Labour department of Govt. of NCT of Delhi after site inspection of lift at the complainant's premises.

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4. Heard arguments of both the parties were heard at length.
5. From the narration of facts and material placed before us we find that the complainant applied for new electricity connection at premises no. CR-254, Laxmi Nagar, Delhi-110092. The said connection as applied for by the complainant is for lift purpose and for the same the complainant has to provide lift fitness certificate. The complainant placed on record License for working a lift issued to him by Labour Department of Govt. of NCT of Delhi.
The only issue raised by OP is that the said license is issued by West District whereas the premises of the complainant fall under East District.
6. The only the issue in the present case is whether the license issued by labour department should be considered or not.
7. It is admitted fact that the license has been issued by the labour department, which is also reflecting on the official website of e-district Delhi. For the issue related to district of the license, the complainant should file an affidavit, clearing therein if in future any action against the license is taken by Govt. of NCT of Delhi, OP shall be free to take action as per law.
8. 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.

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ORDER

Complaint is allowed. Respondent is directed to release the connection applied by complainant subject to submission of affidavit/undertaking as above and completion of all the commercial formalities as per DERC 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.


(S.R. KHAN)
MEMBER-TECH


(P.K. SINGH)
CHAIRMAN


(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER

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CGRF (BYPL)