

C A No. Applied For
Complaint No. 354/2024

In the matter of:

Sandhya Ahuja & OthersComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmed Alvi, Member (CRM)
3. Mr. P.K. Agrawal, Member (Legal)
4. Mr. S.R Khan, Member (Tech.)

Appearance:

1. Mr. Imran Ul Haq Siddiqui, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. Lalit & Mr. Akshat Aggarwal on behalf of OP

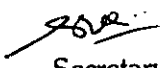
ORDER

Date of Hearing: 29th October, 2024
Date of Order: 08th November, 2024

Order Pronounced By:- Mr. S.R. Khan, Member (Technical)

1. The brief facts of the case giving rise to this grievance are that Ms. Sandhya Ahuja & Others applied for new connections vide request no. 8006969367, 8006969371, 8006969360, 8006969354 at premises no. D-14/15, Vikram Nagar, Kotla Firoz Shah, Delhi -110002, but respondent rejected the application of the complainant for new connection due to Address in MCD Objection list (Dispute Objection)

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Secretary
CGRF (BYPL)










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2. OP in its reply briefly stated that the complainants are seeking new multiple connections for various floors of the property bearing no. D-14/15, Vikram Nagar, Kotla Firoz Shah, Delhi -110002, Complainants have applied vide request no 8006969367, 8006969371, 8006969360, 8006969354. The details of the applied connections are mentioned below

| S.NO. | REQUEST NO. | APPLICATION | FLOOR |
|-------|-------------|------------------|--------------|
| 1. | 8006969360 | Sumit Choudhary | G/F |
| 2. | 8006969354 | Yamini Choudhary | G/F |
| 3. | 8006969367 | Sandhya Ahuja | S/F |
| 4. | 8006969371 | Meera Saini | Fourth Floor |

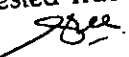
On inspection it was found that the applied premises consist of the ground floor and four floors over it. Each floor has two domestic units and there is a lift in the building. The premises could not be inspected from inside as the house was found locked and the person found at site did not have keys of the premises. It is submitted that in respect of request no at serial no. 3 and 4, on site visit premises were found open and were duly inspected. At the subject premises there is one electricity connection bearing meter no. 17160038 which was installed on 09.04.2011 and no floor is mentioned on it. The afore-mentioned applications were rejected on account of MCD objection. The subject premises were found booked by the MCD for unauthorized construction and also as D-14 and D-15 were found amalgamated. The subject properties are mentioned at serial no. 487 and 488 of list bearing no. 494/B/UC/EE(B)-I/CNZ/19 & 495/B/UC/EE(B)-1/CNZ/19 dated 07.10.2029. The said list is not available in the record of respondent but the internal mail in respect of the same is available with screenshot of booking and the same is filed along with reply.



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3. In response to the reply the complainants filed rejoinder. The complainants has applied for 4 new domestic connections on various floors (GF, Second and Fourth floors) of property bearing no. D-14/15, Vikram Nagar, Kotla Firoz Shah, Delhi -110002, but the same were rejected by the OP on false and frivolous ground and a rejection letter was issued to the complainant with the remark of MCD objection list (Dispute Objection) which is wrong and denied as building of complainant is not booked by the MCD and even the OP has not attached letter of MCD booking where the OP has been asked to disconnect the existing connection or not to release any new connection on the building of the complainant by the MCD which clearly shows that the OP does not have any letter issued from the MCD pertaining to the complainant address.
4. Heard both the parties and perused the record.
5. From the narration of facts and material placed before us we find that the OP raised objection of MCD booking while rejecting the applications of the complainants 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. The complainant on record placed Architect Certificate, for the connection applied for at the 4th floor of the subject premises showing that the height of the building upto fourth floor is less than 15 meters and building structure is GF, FF, SF, TF and fourth floor.
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.

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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 at liberty to disconnect the supply of the complaint.

ORDER

Complaint is allowed. Respondent is directed to release the new connections applied by complainants vide application no. 8006969367, 8006969371, 8006969360 and 8006969354 at premises no. D-14/15, Vikram Nagar, Kotla Firoz Shah, Delhi-110002 after completion of all the commercial formalities and after submitting the undertaking by the complainant regarding the fact that if in future MCD takes any action, OP will be free to disconnect the new electricity connections.


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 the 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 finality.

Any contravention of these Orders is punishable under Section 142 of the Electricity Act 2003.


(NISHAT A ALVI)
MEMBER (CRM)

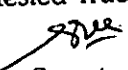

(P.K. AGRAWAL)
MEMBER (LEGAL)


(S.K. KHAN)
MEMBER (TECH.)


(P.K. SINGH)
CHAIRMAN

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