

C A No. Applied for
Complaint No. 225/2024

In the matter of:

Sanjay Gupta & Rajiv GuptaComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Sanjay Gupta, the complainant
2. Ms. Ritu Gupta, Mr. Akshat Aggarwal & Ms. Chhavi Rani On behalf of BYPL

ORDER

Date of Hearing: 25th June, 2024

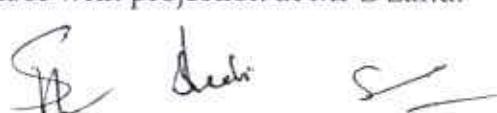
Date of Order: 03rd July, 2024

Order Pronounced By:- Mr. H. S. Sohal, Member

1. The brief facts of the case giving rise to this grievance are that the complainants applied for new electricity connections at premises no. C-53/1, Old Plot No-30, 3rd Floor, Gali No. 7, West Jyoti Nagar, Shahdara, Delhi-110094, vide requests no. 8006840827, 8006697963, 8006703628 and ONNNG1912230712. The applications of complainants were rejected by Opposite Party (OP) BYPL on the pretext of MCD Objection, NOC or Completion and Occupancy Certificate required and Unauthorized Construction in the shape of Ground Floor and First Floor with projection at MPL Land.

Attested True Copy


Secretary
CGRF (BYPL)



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2. The respondent in reply briefly stated that new electricity connections were applied by the complainant Sh. Sanjay and Sh. Rajiv vide requests no. 8006840827, 8006703628 and 8006697963 for various floors at premises no. C-53/1, Old Plot No-30, 3rd Floor, Gali No. 7, West Jyoti Nagar, Shahdara, Delhi-110094 and said applications were rejected on account premises being booked by MCD for unauthorized construction. Furthermore, the application mentioned vide request no. 8006697963 applied by complainant Sh. Rajeev was rejected as the site inspection could not take place as the premise were found locked. The field executive tried to contact the consumer multiple times, but the consumer could not be contacted as the contact number wasn't reachable.

In order to verify the booking on account of difference in address of applied premises and booked premises, the premises were re-visited on 28.03.2024. On revisit it was found that one electricity meter having no. 11456704 was installed in the subject building which is registered for the ground floor in the name of Kapil Hudda. The said connection was energized in October 2013. At site, resident of third floor - Ms. Meena was found and she told the field executive that she is the owner of the third floor, Rani is the owner of second floor and Mukesh Jain is the owner of the Upper Ground Floor. The first floor was found locked. As per the site visit, the applied building was found to be the only building adjacent to property numbered as C-54 which was newly constructed. On site visit no property numbered as C-54 was found. Thus, it was clear that the applied building which is newly constructed building is the booked property by MCD.

Further the MCD objection is in the name of Mukesh Jain who on re-verification was informed to be owner of UGF. As per the sale deed dated 15.12.2022 which is executed by Sh. Kapil Hudda in favor of complainants the subject plot was not a vacant plot and new temporary connection was not taken for the purpose of construction.

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Regarding MCD Booking reference is made to list bearing No. EE(b)-II/SH-N/2023/D-77 dated 13.04.2023. Thus as the premises are booked by MCD no new connection can be provided.

3. Rejoinder filed by the complainant refuted the contentions of the respondent as averred in their reply and submitted that the property of the complainant is not booked by MCD on account of unauthorized construction. The address booked by MCD is C-54 (Part), Gali No. 7(Adj. to C-53) West Jyoti Nagar Extension, Delhi, whereas the address of the complainant is quite different from the booked property. The Complainant is owner of property no. C-53/1, Old Plot No-30, 3rd Floor, Gali No. 7, West Jyoti Nagar, Shahdara, Delhi-110094 and also placed registered sale deed in support of his contentions.
4. Heard both the parties and perused the record.
5. From the narration of facts and material placed before us we find that the registered sale deed dated 15.12.2022 placed by the complainant on record shows property address of the complainant as C-53/1, (old plot no. P-30), Gali no. 7, West Jyoti Nagar, Illaqa Shahdara, Delhi-94 whereas property booked by MCD is having address as C-54 (part), Gali no. 7, Adjacent to C-53, West Jyoti Nagar Extension, Delhi. It clearly shows that both the properties are having different addresses.
6. Water and electricity is integral part of right to life. Hon'ble Supreme court in the matter of Dilip (dead) LR Vs Satish, in the case no. SCC 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 connection applied by complainant after completion of all the commercial formalities and after giving the undertaking ~~regarding~~ ^{that}, whenever MCD in future take any action, OP is free to disconnect the new electricity connection.

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
3/7/24


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER

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