



C A No. Applied for
Complaint No. 613/2024

In the matter of:

Satya Sharma

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent .

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. Imran Ul Haq Siddiqi, Counsel of the complainant
2. Mr. Akash Swami, Ms. Chhavi Rani & Mr. Akshat Aggarwal on behalf of respondent

ORDER

Date of Hearing: 18th March, 2025

Date of Order: 20th March, 2025

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

1. The present complaint has been filed by Ms. Satya Sharma against BSES YPL- Karkardooma.

2. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connection at premises no. 6/14, Second Floor, Mohalla Maharam, Vishwas Nagar, Delhi-110032, vide request no. 8007210296.

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The application of the complainant was rejected by Opposite Party (OP) BYPL on the pretext of Ownership dispute and Court Case, but complainant stated that her application for new connection has been declined on false ground.

3. The respondent in reply briefly stated that the present complaint has been filed by the complainant seeking for new connection at premises no. 6/14, Second Floor, Mohalla Maharam, Vishwas Nagar, Delhi-110032, vide request no. 8007210296. The application of the new connection was rejected on account of Ownership dispute and Court case at the applied site. Respondent stated that there is an ongoing litigation/dispute qua the applied site which is going in the form of complaint under Section 107/150 CRPC at Police Station-Farsh Bazar pending adjudication before Ld. Special Executive magistrate. Reply further added that the instant case is also bad in law and hit by law of res judicata as the case of the same premises thereby detailing the dispute amongst the parties have already been adjudicated by this Hon'ble Forum in CG-296 & 359 of 2024 titled as Gaurav Gupta & Sarika Sharma. The site revisit conducted at the applied premises for locating the space for meter installation, there was a huge ruckus at the site which clearly establishes that there is dispute at the applied site.

4. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that no litigation is pending in any court at the time of filing the present complaint nor any property dispute as mentioned by the OP is pending on the applied premises and the complainant is in peaceful possession of the applied premises/flat.

for
A. Lalwani
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Complainant stated that the plot no. 6/14 and 6/15, Mohalla Maharam, Vishwas Nagar, Delhi are jointly developed/built by the owner Ms. Satya Sharma W/o Vimal Kumar Sharma, and the both plots have common stilt parking, lift and staircase and lift are being used and the said fact has been confirm by the official of the OP. Further the issue of proceeding under section 107/150 CRPC before the Ld. Special Executive Magistrate cannot be termed as litigation to refuse new connection to the complainant in his premises and the issue of disposal of complaint CG No. 296 & 359/2024, which the OP failed to consider the fact that the complainant was not party in said cases and that too when the said complaints were withdrawn by the respective parties from the CGRF as being settled and only a small ruckus as mentioned be the OP, in installation of place of meter cannot be ground for rejection of new connection to the complainant.

5. Heard arguments of both the parties were heard at length.
6. From the narration of facts and material placed before us we find that the complainant applied for new electricity connection which OP rejected on pretext of Ownership dispute and Court case at the applied site and res judicata CG No. 296/2024 and 359/2024. Regarding this objection of OP, that Ownership dispute and Court case, In this regard, complainant stated that no litigation is pending in any court at the present time. Two cases CG No. 296/2024 & 359/2024 were registered in the Forum regarding this property which were withdrawn their complainants.

for
A. Kumar
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7. The OP has not placed on record any documentary evidence in support of their contention regarding Ownership dispute and Court case at the applied site. The complainant in support of her claim proving herself owner of the property in question placed on record Sale deed dated 05.07.2012 in her favour.

Regarding the other objection of OP, res judicata, the earlier matters having C G no. 296/2024 and 359/2024 were filed by different parties and the complainant was not party in those case. Moreover, the complainants of C.G. No. 296/2024 and 359/2024 withdrew their complaints. The Forum has not given any directions or orders in those cases. Therefore, this objection of OP is also not sustainable.

8. Thus, the objection of the OP is no justified and we cannot deprive the complainant of electricity. Therefore, OP is hereby directed to grant the application of the complainant for electricity connection in the applied premises.

9. 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.

10. Therefore, respondent may be directed to provide the connection with the condition that at the time of release of new connection.

for
A. Harad
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Secretary
CGRF (BYPL)

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ORDER


Complaint is allowed. Respondent is directed to release the new connection applied by complainant vide application no. 8007210296 at premises no. 6/14, Second Floor, Mohalla Maharam, Vishwas Nagar, Delhi-110032, after completion of all the commercial formalities as per DERC Regulations 2017.


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.

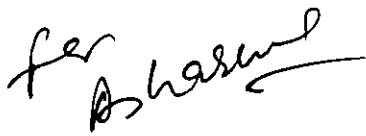
Any contravention of these Orders is punishable under Section 142 of the Electricity Act 2003.


(H.S. SOHAL)
MEMBER


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN


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Secretary
CGRF (BYPL)