



C A No. Applied For  
Complaint No. 26/2024

In the matter of:

Shariq

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

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. Akash Ruhela, Counsel of the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht, Mr. Akshat Aggarwal & Ms. Chhavi Rani, on behalf of respondent.

ORDER

Date of Hearing: 18<sup>th</sup> April, 2024  
Date of Order: 22<sup>nd</sup> April, 2024

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

Attested True Copy  
25/04/24  
Secretary  
CGRF (BYPL)

1. The complaint has been filed by Mr. Shariq against BYPL-Darya Ganj. The brief facts of the case giving rise to this grievance are that Mr. Shariq applied for new connection vide request no. 8006524208 at premises no. 2086, 3<sup>rd</sup> Floor, Zare Fasil Road, Turkman Gate, Daryaganj, Delhi -110002, but respondent rejected the application of the complainant for new connection due to "MCD Objection, NOC or Completion certificate required, pro-rata dues and

By Desk: [Signature]

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enforcement dues exist but complainant alleged that the respondent recently released the electricity connection at the aforesaid address and installed the meter vide CA No. 153864034. Therefore, the complainant requested the Forum to direct the respondent for release of new connection.

2. OP in its reply briefly stated that the complainant is seeking new electricity connection vide application no. 8006524208 under domestic category for the premises bearing no. 2086, 3<sup>rd</sup> Floor, Zare Fasil Road, Turkman Gate, Daryaganj Delhi -110002. The site inspection was done by the respondent and during the same it was initially found that the said premises are booked for unauthorized construction and was under MCD Objection list. Further inspection also revealed that there exist pending dues and are payable on pro-rata basis against CA No-150116781 of Rs. 1580/- and dues of CA No- 400794134. That deficiency was duly intimated to the complainant vide deficiency letter.

That the respondent conducted a revisit of site firstly on 20.1.2024 followed by another site revisit on 23.01.2024 and it was observed that the building being booked and the building for which the request for new connection is made are different. A copy of the site revisit done on 20.01.204 and followed by on 23.01.2024

That the respondent respectfully submits that the complainant request for grant of new connection cannot be done till the pendency of energy dues exist as stated and duly intimated to the complainant vide deficiency intimation letter.

By *Deek* *SN* *J*

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*[Signature]*  
Secretary  
CGRF (BYPL)  
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3. In response to the reply the counsel of the complainant filed rejoinder refuting therein the contentions of respondent as averred in their reply and reiterated his original complaint.
4. The request of new connection of the complainant was rejected by OP on three grounds firstly; the premises are booked by MCD, second pending pro-rata dues and lastly pending enforcement dues.
5. From the narration of facts and material placed before us we find that OP itself in its reply has stated that the booked premises and the applied premises are different, therefore, first objection of OP is itself waived off by OP.

The counsel of the complainant stated that he is ready to pay the pro-rata dues of Rs. 1580/- against CA no. 150116781.

Regarding the pending dues against CA No. 400794134, OP was directed to file inspection report of the theft bill dated 09.12.2015, for the purpose of verifying the applied address and booking address are same or different. OP on final hearing submitted that on account of non-availability of record, they are unable to provide the details of the theft bill.

6. In the absence of proper record, it is difficult to ascertain whether the theft dated 09.12.2015 was booked on the complainant's premises or other premise. Therefore, in the absence of complete record, here the benefit of doubt is given to the complainant and for release of new connection the theft bill should not be asked for, from the complainant. Regarding the other two objections of OP MCD booking and pro-rata dues, OP in their reply has admitted that the booked premises and applied premises are different. Finally the complainant is ready to pro-rata dues.

  
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7. Thus all the three objections of OP are dealt here. Therefore, we cannot deny new connection to the complainant and complainant cannot be deprived off his right to basic amenity to livelihood.
8. Water and electricity are integral part of right to life. Hon'ble Supreme Court in the matter of Dilip (Dead) LR vs Satish, in case no. SCC online SC810 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.


ORDER


Complaint is allowed. OP is directed to release the new connection, as applied for by the complainant vide request no. 8006524208 under domestic category at premises no. 2086, 3<sup>rd</sup> floor, Zare fasil Road, Turkman Gate, Daryaganj. Delhi-110002 after 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.

  
(NISHAT A ALVI)  
MEMBER (CRM)

  
(P.K. AGRAWAL)  
MEMBER (LEGAL)

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

  
(P.K. SINGH)  
CHAIRMAN

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CGRF (BYPL)