



C A No. Applied For
Complaint No. 87/2024

In the matter of:

Shubham Gupta

.....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 (Tech.)
4. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Suraj Aggarwal, Counsel of the complainant
2. Ms. Ritu Gupta, Ms. Chhavi Rani & Mr. Akshat Aggarwal, on behalf of respondent

ORDER

Date of Hearing: 16th April, 2024

Date of Order: 22nd April, 2024

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

1. The complaint has been filed by Mr. Shubham Gupta against BYPL-LNR. The brief facts of the case giving rise to this grievance are that Mr. Shubham Gupta applied for new electricity connection vide request no. 8006748218 at premises no. 574-C, GF, Moti Ram Road, Shahdara, Delhi-110032, but respondent rejected the application of the complainant for new connection on the pretext of MCD Objection and

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Secretary
CGRF (BYPL)

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Dues against CA', but complainant stated that if this premises is booked by MCD then respondent should provide name and address with all documents because his premises has never been booked in EDMC and existing dues does not pertain to him. Therefore, he requested them forum to direct the respondent for release of new connection.

2. OP in its reply briefly stated that the complainant is seeking one electricity connection for the ground floor of property bearing no. 574-C, GF, Moti Ram Road, Shahdara, Delhi-110032, vide request no. 8006748218 the deficiency letter was issued for the reason as applied address was found in MCD objection lists. In respect of various parts of the property bearing no. 574 there are 10 bookings by the MCD. On site verification, it was found that the subject property is one of the properties booked by MCD.

Besides the MCD objection, energy dues are outstanding against the subject premises, details whereof are as under:

S. No.	CA No.	Registered Consumer	D.O.E	Address
1.	100037046	M/s. Foundry Chemical In	09.02.1991	574 moti Ram Road Shahdara Gali No. 2
2.	100041474	M/s. Inderprastha Chemical works	12.02.1980	574, Moti Ram Road Shahdara.

It is important to mention here that in terms of various judgments passed by Hon'ble High Court of Delhi and also in terms of objection list circulated by MCD; respondent is refrained from granting fresh electricity connections and or restore electricity of premises which are in the MCD objection list.



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3. In response to the reply the complainant filed rejoinder The complainant has applied one new electricity connection on premises bearing 574-C, GF, Moti Ram Road, Shahdara, Delhi-110032. The MCD documents given by OP are not valid documents and complainant's name and address are not clearly mentioned in any of the list provided by OP. The details of the property given are also different from complainant's premises. There is no match and there are multiple properties of the same address in the document given by OP. OP in its reply itself have stated that house number 574 has 10 premises.
4. Arguments of both the parties are heard at length.
5. From the narration of facts and material placed before us we find that OP does not provide complete details of MCD booking. OP placed on record print out of excel sheet of their record. No list or letter of MCD is placed on record to prove that it's the premise of the complainant which is booked by MCD. Thus, the benefit of doubt goes in the favour of complainant.
- Regarding the outstanding dues, in their reply OP has not given details of any dues pending at the applied premises. Thus, this objection of OP is nullified.
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.

[Handwritten signatures]

Attested True Copy
[Signature]
Secretary
CGRF (BYPL)

Complaint No. 87/2024

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, whenever MCD in future takes 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.


(H.S. SOHAL)
MEMBER


(P.K. AGRAWAL)
MEMBER (LEGAL)


(S.R. KHAN)
MEMBER (TECH)


(P.K. SINGH)
CHAIRMAN