



C A No. Applied For
Complaint No. 58/2024

In the matter of:

Shubham & Sakshi GuptaComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Ms. Sakshi Sharma, Counsel of the complainant
2. Mr. Akash Swami, Ms. Chhavi Rani & Mr. Akshat Aggarwal, on behalf of respondent

ORDER

Date of Hearing: 09th May, 2024

Date of Order: 14th May, 2024

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

1. The complaint has been filed by Mr. Shubham and Ms. Sakshi Gupta against BYPL-Yamuna Vihar. The brief facts of the case giving rise to this grievance are that Mr. Shubham Gupta and Ms. Sakshi Gupta applied for new electricity connection vide request no. 8006694015 at premises no. C-284, C-285-E, GF, Kh. No. 417/1, Gali No. 10,

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Secretary
CGRF (BYPL)

Complaint No. 58/2024

Bhajanpura, Delhi-110053, but respondent rejected the application of the complainant for new connection on the pretext of MCD Objection and completion certificate required', but complainant stated that it's not their premise which is booked by MCD. Therefore, they requested the 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. C-284, C-285-E, GF, Kh. No. 417/1, Gali No. 10, Bhajanpura, Delhi-110053, vide request no. 8006694015 the deficiency letter was issued for the reason as applied address was found in MCD objection list vide MCD letter no. EE(B)-II/SH-N/2022/D-41 dated 29.12.2021. In respect of MCD booking, the complainant has placed on record letter from MCD detailing that the applied premises is not booked by MCD and the actual booking done by the MCD is of the address bearing no. C-285-F, Gali No. 10, Bhajanpura, Delhi-53.

OP further added that upon inspection of site, no property/house no. with address C-285F was found existing on actual site but in terms of MCD record, the same property no. i.e. C-285-F stands booked.

OP further added that construction in the applied premises was started on 05.07.2021 i.e. four months prior to MCD booking dated 29.12.2021 and a temporary meter bearing no. 35684392 was also issued.

OP also discovered that applied address i.e. C-285-E, already exist on which five meters exists, details are as under:

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[Signature]

Complaint No. 58/2024

S. No.	CA No.	Registered Consumer	Meter no.	Address
1.	150237869	Sheela Devi Jain	11784786	C-285E, GF, Kh. No. 417, Gali No. 10, Bhajan pura
2.	150121889	Meenakshi Jain	11784784	C-285E, FF, Kh. No. 417, Gali No. 10, Bhajan pura
3.	150186543	Umesh Jain	11784794	C-285E, SF, Kh. No. 417, Gali No. 10, Bhajan pura
4.	153813214	Munendra Jain	55389313	C-285E, 4 th F, Kh. No. 417, Gali No. 10, Bhajan pura
5.	150186542	Pradeep Jain	11784790	C-285E, TF, Kh. No. 417, Gali No. 10, Bhajan pura

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.

3. Counsel for the complainant filed rejoinder, refuting the contentions of the respondent as averred in their reply and stated that the property of the complainant is not booked by the MCD and MCD has given NOC in this regard that the property bearing No. C-285-E, New No. C-287, Kh. No. 417/1, Bhajanpura, Delhi-110053 is different property booked and is not booked against unauthorized construction. It is submitted that the correct address of the complainant is C-287, Kh. No. 417/1, Bhajanpura, Delhi-110053 and

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Counsel

Complaint No. 58/2024

the respondent carried out the inspection in the said property but now the respondent describing inadvertently the property No. C-285, Gali No. Bhajanpura, Delhi-110053. It is submitted that the complainant has no concern with the property No. C-285-F, Gali No.10, Bhajanpura, Delhi-110053 as there is no property with No. C-285-F, Gali No. 10, Bhajanpura, Delhi-110053 in the locality. It is submitted that the New property No. of the complainant is C-287, Gali No. 10, Bhajanpura, Delhi and only one temporary electricity connection is installed on the said property of the complainant which was installed by the BSES YPL on dated 05.07.2021.

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 their contention. Also, the complainant placed on record letter from MCD, Building Department, Division-I, Shahdara (north) Zone, 3rd floor, Near Shyam Lal College, Keshav Chowk, GT Road, Shahdara, Delhi-53, stating that as per record the application (Smt. Sakshi Gupta) property bearing no. C-285-E, new no. 287, Kh. No. 417/1, Gali No. 10, Bhajanpura, Delhi-110053 is different property and is not booked against unauthorized construction.
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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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 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) 15/24
MEMBER-TECH


(P K SINGH)
CHAIRMAN


(P.K.AGRawal)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER

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CGRF (BYPL)