

C A No. Applied for  
Complaint No. 584/2024

In the matter of:

Sruti Saraff

.....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. Neeraj Kumar, Counsel of the complainant
2. Mr. Prashant Sharma, Mr. R.S. Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal on behalf of respondent

ORDER

Date of Hearing: 06<sup>th</sup> February, 2025

Date of Order: 10<sup>th</sup> February, 2025

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

1. The present complaint has been filed by Ms. Sruti Sharaff against BYPL-G. T. Road.
2. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connection at premises no. B-36/6, First Floor & Second Floor, Jhilmil Industrial Area, Shahdara, Delhi-110095, vide requests no. 8007154926.

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CGRP (BYPL)

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The application of complainant was rejected by Opposite Party (OP). BYPL on the pretext of MCD Objection, but complainant stated that objection raised by respondent is without any rhyme and reason as one connection has already been released on 09.08.2023 vide CA No. 154210666 after orders of Civil Court order dated 08.08.2023.

3. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking for new connection of 11 KW for Non-Domestic purpose at premises no. 36/6, First Floor, Jhilmil Industrial Area, Shahdara, Delhi-110095, vide request no. 8007154926. The application of the new connection was rejected on account of property is in MCD Objection list of unauthorized construction Vide letter no. EE(B)-1/S(s)/2019/D-6223 dated 04.04.2019 at serial No. 11 and vide letter no. EE(B)-1/SH(S)/2020/D-2722 dated 23.01.2020 at the serial no. 16.

Reply further added that Delhi Pollution Control Committee has also issued a letter bearing no. DPCC (7)(16)(0262)/CMC-04/2015 dated 17.11.2017 with the direction to disconnect the electric supply of the property mentioned in the said letter. Hence the electricity supply to the premises had been disconnected on 25.11.2017 and intimation to this effect had also been sent DPCC by the respondent company.

OP also stated that the Interim order passed in Civil Suit bearing no. 781/23 does not pertain to the complainant as the complainant was neither the plaintiff nor any party in the said civil suit and no order passed by Hon'ble Civil Court in favour of the complainant. In the said civil suit the plaintiff was Smt. Ruchi Jain and she had withdrawn the suit immediate after the interim order had been passed and hence, the case has not been decided no merits.

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4. Heard arguments of both the parties.
5. 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 applied building appearing in MCD Objection list of unauthorized construction Vide letter no. EE(B)-1/S(s)/2019/D-6223 and vide letter no. EE(B)-1/SH(S)/2020/D-2722. Regarding this objection of OP, that building booked by MCD, in this regard, complainant filed Civil Court order (Civil Suit No. 781/2023) along with his complaint.

However, report of Executive Engineer (Bldg)-I, submitted to Additional Civil Judge, Shahdara, Karkardooma Courts, Delhi, shows that property bearing no. B-36 (Part), Jhilmil Industrial Area, Delhi-11095 (owner/builder) was booked against unauthorized construction, vide file no. 75/B-1/UC/SS/2019 dated 25.03.2019 and file no. 376/B-1/UC/SS/2019 dated 07.11.2019. However, it is clarify that as per record as well as site inspection report the applicant property bearing no. B-36/6, Jhilmil Industrial Area, Delhi-110095 is different and not booked.

On the basis of this report, the Civil Court came to conclusion that property B-36/6, Jhilmil Industrial Area, Delhi-110095 is different from the booked property and ordered to release the connection in favour of the plaintiff at B-36/6, Jhilmil Industrial Area, Delhi-110095 and OP has released the connection on the basis of this order.

From perusal of the sale deed placed on record it is evident that the complainant i.e. Sruti Saraff purchased the property in question from Smt. Ruchi Jain and Smt. Parul Jain, thus it is clearly evident that the above stated Civil Court Orders pertains to the premise of the complainant only.

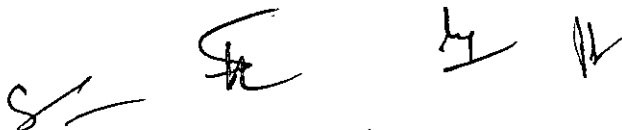
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OP has also raised objection of DPCC letter dated 17.11.2017 with direction to disconnect the electricity in the premise of the complainant. Against this the complainant has placed on record DPCC certificate for the subject property.

6. Thus, the objection of the OP is not 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.
7. 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 of. Even on the principle of law there should be equity before law and equal protection of law in the spirit of constitution.
8. In the facts and circumstances aforesaid, we are of the view that the 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 or any concerned authority takes any action against the property then OP should be at liberty to disconnect the supply of the complainant.



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ORDER

Complaint is allowed. Respondent is directed to release the new connection applied by complainant vide application no. 8007154926 at premises no. 36/6, First Floor, Jhilmil Industrial Area, Shahdara, Delhi-110095, after completion of all the commercial formalities as per DERC Regulations 2017 and submitting the undertaking by the complainant regarding the fact that whenever MCD or any competent authority in future takes any action, OP is free to disconnect the new electricity connection.


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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CGRF (BYPL)