

Consumer Grievance Redressal Forum

FOR BSES YAMUNA POWER LIMITED

(Constituted under section 42 (5) of Indian Electricity Act. 2003)

Sub-Station Building BSES (YPL) Regd. Office Karkardooma,
Shahdara, Delhi-110032

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SECY/CHN 015/08NKS

C A No. Applied For Complaint No. 309/2024

In the matter of:

Sujata Verma

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

1. Mr. Shanky RS Gupta, A. R. of the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht, Mr. Akshat Aggarwal & Ms. Chhavi Rani On behalf of BYPL

ORDER

Date of Hearing: 24th September, 2024

Date of Order: 08th October, 2024

Order Pronounced By:- Mr. P.K. Agrawal, Member (Legal)

1. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connection at premises no. 2nd Floor, 601/1, 601/1-A, Ram Nagar, Moti Ram Road, Shahdara, Delhi-110032, vide requests no. 8006867671. The application of complainant was rejected by Opposite Party (OP) BYPL on the pretext of MCD Objection, Mismatch applied address and Meter exists.

Attested True Copy

Secretary
CGRF (BYPL)

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2. The respondent in reply briefly stated that the present complainant has been filed by complainant seeking for new connection at premises no. 2nd Floor, 601/1, 601/1-A, Ram Nagar, Moti Ram Road, Shahdara, Delhi-110032, vide requests no. 8006867671. The application of the new connection was rejected on account of property appearing in MCD Objection list of unauthorized construction Vide letter no. EE(B)-II/SH-N/2019/D-850 dated 24.12.2019 at serial No. 3 through challan no. 22/B-II/UC/SH-N/2015 dated 11.02.2015 and 152/B-II/UC/SH-N/2014 dated 03.07.2014 received by respondent department on 31.12.2019 and mismatch between the applied address with the address reflected in the existing meter bill.

Upon inspection of the applied premises it was further observed that there are several existing connections all of which being sanctioned prior to receipt of the MCD booking letter by the respondent department on 31.12.2019. OP submitted that one of the existing connection bearing CA No. 151962287 being issued in the name of Kamlesh Singhal w/o Hariom Singhal. It is pertinent to mention here that as per the property documents annexed by the complainant, Kamlesh Singhal was one of the erstwhile owner of the applied property who sold the said property to one namely Veena Singhal who subsequently sold the property to the complainant namely Sujata Verma.

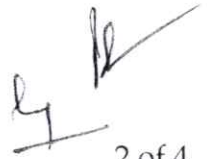
3. A. R. of the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the applied address and area are completely different from the MCD booked premises.

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Secretary
CGRF (BYPL)







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4. Heard arguments of both the parties were heard at length.
5. From the narration of facts, material placed before us and pleadings of both the parties we find that the complainant applied for new electricity connection on second floor at property no. 601/1, 601/1-A, Ram Nagar, Moti Ram Road, Shahdara, Delhi-110032. The said application of the complainant was rejected by OP on account of premises booked by MCD. In response to OP's objection, the complainant stated that his premises are not booked by MCD.

6. From perusal of the record, the MCD booking details show that the booked property is 601 (part) Kh. No. 114, Moti Ram Raod, Ram Nagar, Shahdara, Delhi in the shape of under construction at GF and raising FF, area 500 sq yards. Whereas the complainant is owner of 601/1 and 601/1-A, second floor, comprising of area 91.13 sq. meters/109 sq. yards and the building is four storey and the complainant became owner of the said property via Registered sale deed dated 14.08.2023.

Neither the area mentioned in booking is matching with that of complainant's building area nor is the building structure same as that of booked property. Thus, it is clear that the booked property and that the complainant's property are not same.

7. In view of above, we are of considered opinion that the new connection application of the complainant cannot be declined. Since, 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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8. 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 adverse 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 adverse 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.

This Order shall be complied with 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 the instant Order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order.

If the Orders are not appealed against within the stipulated time or no interim stay thereon has been granted by the Ombudsman, the same shall be deemed to have attained finality.

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

on leave
(S.R. KHAN)
MEMBER-TECH

Sub
(NISHAT AHMAD ALVI)
MEMBER-CRM

[Signature]
(P.K.SINGH)
CHAIRMAN

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Secretary
CGRF (BYPL)

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(P.K.AGRAWAL)
MEMBER-LEGAL

[Signature]
(H.S. SOHAL)
MEMBER