



C A No. Applied For
Complaint No. 490/2024

In the matter of:

Sunita Yadav

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

ORDER

Date of Hearing: 19th December, 2024
Date of Order: 24th December, 2024

Order Pronounced By:- Mr. S.R. Khan, Member (Technical)

1. The brief facts of the case giving rise to this grievance are that Ms. Sunita Yadav applied for new connection vide request no. 8007037574 at premises no. 102, G/F, Kh No-12/16 and 12/25, Shree Complex, Sewa Dham Road, Mandoli, Phase-2, Delhi -110093, but respondent rejected the application of the complainant for new connection due to long service line "(Technical infeasibility)", but complainant stated that she has completed all formalities as required by the respondent.

Attested True Copy

Secretary
CGRF (BYPL)

Complaint No. 490/2024

2. OP in its reply briefly stated that the complainant is seeking new NX connection for ground floor of the property bearing no. 102, G/F, Kh No-12/16 and 12/25, Shree Complex, Sewa Dham Road, Mandoli, Phase-2, Delhi -110093. Reply further states that the complainant had applied vide request no 8007037574 and upon inspection it was found that the applied premises do not have the availability of network and long service line is required 65 meters. It was discovered that the nature of premises is such that no connection can be granted in absence of long service line and there also exist hindrances at the applied premises which makes grant of new connection completely impossible. It is submitted previously also a connection was applied for the said premises in the name of Dinesh, this fact has been concealed by the complainant from this Hon'ble forum, in view of the concealment the complainant is liable to be dismissed.

Reply further states that the applied premises are an industrial plot and the complainant has not filed the complete chain as to how he has become the alleged GPA holder.

3. In response to the reply the complainant filed rejoinder. The complainant has applied for new connection at property bearing no. plot no. 102, G/F, Kh No-12/16 and 12/25, Shree Complex, Sewa Dham Road, Mandoli, Phase-2, Delhi-110093. Rejoinder further submitted that the complainant has filed the complete set of documents qua release of new electricity connection as required or directed by the respondent for release of 1 kW commercial connection. It is further added that one connection has already installed at the said property having CA No. 152865610 (sanctioned load 11 kw) and the such connection was removed on the request of the consumer due to non requirement of 11 kw.

Attested True Copy

Secretary
CGRF (BYPL)

Complaint No. 490/2024

Respondent company has installed the electricity connection at the said property in the name of one Mr. Dinesh Yadav and there is no hindrance to this regard at the site. Complainant has applied the electricity connection of 1 kW for godown.

4. Heard and perused the record.
5. From the narration of facts and material placed before us we find that the complainant applied for a new connection under commercial category for a load of 1 KW at her premises no. 102, GF, Kh. No. 12/16 and 12/25, Shree Complex Seva Dham Road, Mandoli, Phase -2, Delhi vide request no. 8007037574, which was rejected by OP on grounds that long service line required approx 65 meters and incomplete title documents as it is an industrial area.

Regarding first objection of OP, long service line required, in this regard, we find that already a connection was energized in the same premises which was removed on the request of the user itself vide meter removal order dated 02.02.2024. Thus this objection of OP does not substantiate here.

Regarding other objection of OP, incomplete title documents, in this regard we are of considered opinion that the complainant should file complete property chain for release of new electricity connection. The complainant has placed on record only one GPA in her favour from her husband Dinesh Yadav. The complainant should provide complete property chain for release of new electricity connection in her favour.

6. Therefore, we are of considered opinion that OP should release the new connection to the complainant as applied for by her. The complainant is also directed to provide complete property chain to the complainant for release of new electricity connection.

Complaint No. 490/2024

The objection of OP of requirement of long service cable is not sustainable as earlier also a connection was energized in the same premise. 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.

ORDER

The complaint is allowed. OP is directed to release the new electricity connection to the complainant after submission of complete title documents and completion of other commercial formalities as per DERC Regulations 2017.


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

4 of 4

Attested True Copy


Secretary
CGRF (BYPL)