

C A No. Applied For
Complaint No. 470/2024

In the matter of:

Ummed Singh

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Nishikant Ray, Counsel of the complainant
2. Mr. Akash Swami, Mr. R.S Bisht & Mr. Akshat Aggarwal, on behalf of respondent.

ORDER

Date of Hearing: 06th January, 2024

Date of Order: 14th January, 2024

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

1. The complaint has been filed by Mr. Ummed Singh against BYPL-GTR.
2. The brief facts of the case giving rise to this grievance are that Mr. Ummed Singh applied for new connection vide request no. 8007014443 at premises no. 3698-3699, First Floor, Gali Maman Jamadar, Pahari Dhiraj Delhi -110006.

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Secretary
CGRF (BYPL)

Complaint No. 470/2024

OP rejected the application of the complainant for new connection on grounds of dues & DT Exists-100428729 (D) same address & 400561146 (same Address). Already meter exists, but complainant stated that all objections raised by respondent are absolutely wrong as CA No. 100428729 and Enf CA no- 400561146, both CA number has outstanding amount of ground floor in the name of Anand Prakash and the Enf bill has been settled by Anand Prakash. Therefore, he requested the forum to direct the respondent for release of new connection.

3. OP in its reply briefly stated that the complainant is seeking new DX connection at premises no. 3698-3699, FF, Gali Maman Jamadar, Pahari Dhiraj, Delhi-110006 vide application no. 8007014443. The application of the complainant was rejected on following grounds:
 - a) Dues and DT exists vide CA no. 100428729 (D) and 400561146. The dues need to clear by the complainant for grant of new connection.
 - b) Applied premises already have an existing connection vide meter no. 70315704, hence there is no scope of grant of new connection.
4. In response to the reply the complainant filed rejoinder refuting therein the contentions of respondent as averred in their reply and submitted that the dues of CA No. 100428729 & enforcement dues of CA no. 400561146 in the name of Anand Prakash belongs to different building. Rejoinder further submits that the enforcement bill has been settled by Anand Prakash in Lok Adalat.
5. Arguments of both the parties are heard.

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6. We have gone through the submissions made by both the parties. From the narration of facts and material placed before us we find that OP rejected the application of the complainant on two grounds, first that there are pending dues and second already a connection is energized in the applied premises.

We find that OP is taking cognizance of the fact that earlier one connection was installed for both ground floor and first floor. The said connection is in the name of Prem Chand Singhal, installed at H.No. 3699, GF FF, G Mohalla Jamadar, Pahari Dhiraj, Delhi-110006 vide CA no. 100420898. As per Regulation 10 of DERC Regulations 2017,

(v) On the request of applicant, an independent electric connection shall be given to the owner/lawful occupant on each floor of the premises.

(vi) Wherever, one dwelling unit has been sub-divided and separate kitchen as well as separate entry is available, second electric connection may be given to the lawful occupant.

As per above stated Regulation the complainant is very much entitled for the new electricity connection at first floor. We also find that as per Inspection Report filed by OP along with their reply, they have shown ground floor and first floor are separate entity.

Regarding second objection of OP, there are pending enforcement and energy dues of disconnected connection in name of one Anand Prakash, in this regard, the complainant has placed on record set of GPA, as per the said GPA the complainant is in possession of only 83 sq yards out of 170 sq. yards of property and that too on first floor only. OP has failed to prove that the said dues pertain to the premises of the complainant and how the complainant is liable to pay the said dues.

7. Therefore, in view of the above, we are of considered opinion that the complainant is entitled for separate new electricity connection. 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.

ORDER


The complaint is allowed. OP is directed to release the new electricity connection under domestic category as applied for by the complainant vide request no. 8007014443 at first floor of premises no. 3698-3699, Gali Maman Jamadar, Pahari Dheeraj, Delhi after completion of other commercial formalities as per DERC Regulations 2017.

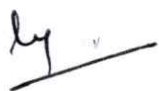
This Order shall be complied within 21 days of the receipt of the certified copy or from the date it is uploaded on the Website of the Forum; whichever is earlier.

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


(P.K. SINGH)
CHAIRMAN