



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 0150RNS

C A No. Applied for
Complaint No. 57/2023

In the matter of:

VeerwatiComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mohd Afsar, A.R. of the complainant
2. Ms. Ritu Gupta, Ms. Shweta Chaudhary & Mr. Shubham Singh,
On behalf of BYPL

ORDER

Date of Hearing: 10th March, 2023
Date of Order: 13th March, 2023

Attested True Copy
Secretary
CGRF (BYPL)

Order Pronounced By:- Mr. Nishat A Alvi, Member (CRM)

1. Present complaint has been filed by Smt. Veerwati against BYPL-LNR.
2. The brief facts of the case giving rise to this grievance are that complainant Smt. Veerwati, applied for new electricity connection at premises no. D-365, D-block, Laxmi Nagar, Delhi-92 vide application no.

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8006060836 but respondent rejected her application for new connection on pretext of premises booked by MCD. Therefore, complainant's application for release of new connection may be granted.

3. The OP in their reply briefly stated that the complainant applied for fresh new electricity connection for second floor of property bearing no. D-365, D-block, Laxmi Nagar, Delhi-110092 vide application no. 8006060836. The complainant also submitted building completion certificate on dated 01.06.2021 with request ID no. 10087782 issued by architect Mr. Ravi Kant Sharma. After receiving the BCC all the connections as asked for were sanctioned ~~except~~ for connection for second floor of the subject premises as the said floor was already electrified through CA No. 152024128.

OP further added that on 29.09.2021 meter of second floor was removed due to non-payment of outstanding dues, thereafter; the dues were cleared against the said connection on 05.10.2022. Now complainant is requesting new connection for second floor. As such respondent checked the debarred list of professional available at MCD website. On checking it came to the knowledge of the respondent that architect Sh. Ravi Kant Sharma stands debarred from MCD.

4. The representative of the complainant argued that they have submitted BCC in the year 2021 and OP thereafter released the new connection in the said premises in the month of June 2021. He again applied for new connection in October 2022 but OP rejected his application on pretext of building booked by MCD and not considering the earlier BCC issued by the architect, since the architect is debarred by MCD.

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5. The LR of the OP submitted that the premises of the complainant are booked by MCD and they cannot release the new connection to the complainant until he submits BCC from panel Architect who is not debarred. OP also submitted that earlier they released the connections in the applied premises in June 2021 and as per list provided by MCD the said architect was barred by MCD in September 2021, therefore, for release of new connection complainant has to submit BCC of some other panel Architect.
6. Heard both the parties and perused the record. Heard the arguments of Authorized Representative of the complainant and OP-BYPL.
7. The main issue in the present complaint is whether the connection to the complainant can be given when premises are booked by MCD.
8. Heard both the parties and perused the record. From the perusal of evidence placed on record pleadings and after hearing both the parties it is transpired that complainant asked for new connections at premises no. D-365, second floor, D-block, Laxmi Nagar, Delhi-92, but respondent raised objection that said premise is booked by MCD. Forum observed that in year June 2021 complainant applied for new electricity connections and also submitted Building Completion Certificate issued by Architect thereafter, OP released the new connections to the complainant. OP did not release the new connection for the second floor of the applied premises as there already a connection exists. The said existing connection was disconnected on 29.09.2021 on account of non-payment of dues. Now the complainant has cleared the dues of the disconnected connection and wants new connection.

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OP is denying the new connection to the complainant on the pretext that the Architect who issued Building Completion Certificate to the complainant is debarred by MCD. The list of debarred Architects submitted by respondent along with their reply does not contain any number or signature of any official, thus the authenticity of the said list is doubtful. Moreover, if we consider the list, it states that 'debarring order of Sh. Ravikant Sharma, Architect, CA/2018/95052 from submission of building plan/completion certificate/regularize plan and other activities relating to construction of buildings in all the 3 MCDs for a period of 3 years upto 20.09.2024'. This nowhere states that the previous Building Completion Certificates issued by the said Architect should not be considered. Sh. Ravikant Sharma, is debarred for a further period of three years.

9. Since, water and electricity are integral part of right to life. Hon'ble Supreme Court in the matter of Dilip (Dead) LR vs Satish, in case no. SCC online SC810 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. In the present circumstances, the list of barred architects supplied by OP does not contain any number or signature of any official. Moreover, the list nowhere mentions that the Building Completion Certificates issued by the said architect in past should not be considered.

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10. 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 shall file an affidavit to undertake on oath, that in the event of any action against the applied premises on the basis of said objection by the MCD, she shall have no objection and OP shall be entitled/at liberty to disconnect the electricity supply against the connection, so granted.

ORDER

Complaint is allowed. Respondent is directed to release the connection applied by complainant after completion of all the commercial formalities and after submitting her aforesaid affidavit to the OP.

The OP is also directed to file compliance report to this office within 21 days from the issue of this order.

The case is disposed off as above.

No order as to the cost. Both the parties should be informed accordingly. File be consigned to Record Room.

(P K SINGH)
CHAIRMAN

(S.R. KHAN)
MEMBER-TECH

(NISHAT AHMAD ALVI)
MEMBER-CRM

(P.K.AGRAWAL)
MEMBER-LEGAL

(H.S. SOHAL)
MEMBER

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Secretary
CGRF (ByPL)