

**C A No. Applied For**  
**Complaint No. 540/2024**

**In the matter of:**

Vikas Jain

.....Complainant

**VERSUS**

BSES Yamuna Power Limited

.....Respondent

**Quorum:**

1. Mr. P.K. Agrawal, Member (Legal)
2. Mr. S.R. Khan, Member (Technical)
3. Mr. H.S. Sohal, Member

**Appearance:**

1. Mr. Shanky R.S. Gupta, A.R. of the Complainant
2. Mr. Prashant Sharma, Mr. R.S. Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

**ORDER**

Date of Hearing: 22<sup>nd</sup> April, 2025

Date of Order: 25<sup>th</sup> April, 2025

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

1. The brief facts of the case giving rise to this grievance are that the complainant applied for two new electricity connections vide request no. 8007132602 and 800732604 at premises no. part of 1/2251, left and right side, Mandoli Road, Ram Nagar, Shahdara, Delhi-110032, but respondent rejected the application of the complainant on grounds of premises booked by MCD.

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2. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking new connections for a load of 1 Kw each under domestic category vide application no. 8007132604 and 8007132602 at property no. GF, right side and left side, part 1/2251, gali no. 12, Mandoli Road, Ram Nagar, Shahdara, Delhi-110032. The applications of the complainant were rejected as the premises where connections are sought are already booked by MCD vide letter bearing no. EE(B)-II/SH-N/2022/D-321 dated 12.11.2022. Thus the complainant has to file Building Completion Certificate, NOC and Occupancy Certificate for release of new electricity connections.
3. In response to the reply the complainant filed rejoinder. The complainant in its rejoinder stated that MCD booked premises are different from his premises and the OP has already released multiple connections in the premises booking by MCD.
4. Heard arguments of both the parties at length.
5. From the narration of facts and material placed before us we find that the complainant approached this Forum for his grievance regarding release of two new electricity connections which OP rejected on the basis of MCD letter no. EE(B)-II/SH-N/2022/D-321 dated 12.11.2022, regarding demolition /sealing of the property in question. The letter of MCD was dated 12.11.2022 and BSES in revert on 29.11.2022 wrote to Executive Engineer, MCD, Shahdara, (North) Zone, stating therein that as per schedule dated 21.11.2022 and 22.11.2022, there was no sealing/demolition program conducted by MCD.

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We also find that a BCC from MCD dated 29.01.2023 is also placed on record in the name of Ghanshyam Dass and OP on the basis of said BCC has released 17 (seventeen) connections in the building of Sh. Ghanshyam Dass. The electricity connections are installed at UGF, FF, SF and 3<sup>rd</sup> floors as shown in site visit report submitted by the OP.

The IR report filed by OP along with their reply shows the building structure of the complainant's property is ground plus two floors over it and the complainant has applied for new electricity connections on the ground floor only.

From the above deliberations, it is clear that the premises of the complainant are totally different from the premises of Sh. Ghanshyam Dass. The complainant has alleged in his complaint that there are two buildings of same address. OP has already released new electricity connections in the other part of property no. 1/2251 on the basis of BCC dated 29.01.2023. We also find that the complainant became owner of 60 sq yards of property no. 1/2251, Ram Nagar, Mandoli Road, Shahdara, Delhi vide sale deed dated 06.03.2023.

6. Since, 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 off. Even on the principle of law there should be equity before law and equal protection of law in the spirit of constitution.
7. In the facts and circumstances aforesaid, we are of the view that the OP has failed to submit any conclusive and authentic proof which shows that the said premises is booked by MCD while the complainant has filed an NOC issued by MCD stating that the premises of complainant is not booked by MCD.

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8. Therefore, respondent may be directed to provide the electricity connection with the condition that at the time of release of new connection the complainant should file an affidavit that in future MCD takes any action against the his property then OP should be at liberty to disconnect the supply of the complainant.

ORDER

The complaint is allowed. Respondent is directed to release the new connection applied by complainant vide application no. 8007132602 and 8007132604 at premises no. part of 1/2251, left and right side, Mandoli Road, Ram Nagar, Shahdara, Delhi-110032, after completion of all the commercial formalities required for giving connection as per DERC Regulations 2017 and submitting the undertaking by the complainant regarding the fact that if in future any authority takes may action, OP will be free to disconnect the new electricity connection without any further notice.

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.

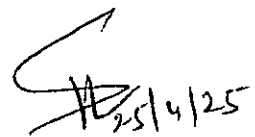
The parties are hereby informed that instant Order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order.

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.)

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Secretary  
CGRF (BYPL)