

C A No. Applied For
Complaint No. 246/2024

In the matter of:

Vinod KumarComplainant

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 (Tech.)

Appearance:

1. Mr. Suraj Aggarwal, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht & Ms. Chhavi Rani, on behalf of respondent.

ORDER

Date of Hearing: 23rd July, 2024

Date of Order: 29th July, 2024

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

1. The complaint has been filed by Mr. Vinod Kumar against BYPL-Nand Nagri. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connection vide request no. 8006886228 at premises no. C-84, S/F, Kh no-13/1, Gali No-1, Radha Vihar, Delhi-110093, but respondent rejected the application of the complainant on the pretext of Delhi UP load required and transformer overload.

The complainant alleged that his request has been declined on baseless reasons as he has already uploaded Delhi UP 1 bond and regarding 2nd objection of OP, transformer overloaded, as per DERC guidelines respondent cannot deny for new connection as long as the peak load including that load capacity of the new connection on the applicable distribution transformer falls within and up to 90% of the rated capacity of the transformer. Therefore, he requested the forum to direct the respondent for release of the new connection.

2. OP in its reply briefly stated that the complainant is seeking new electricity connection on the second floor of property bearing no. C-84, Khasra No. 13/1, Gali No. 1, Radha Vihar, Delhi -110093. The complainant had applied vide request no 8006886228 for a domestic connection of 1 KW.

At the time of site visit it was found that the subject property is situated near the Delhi- UP border. The building structure consists of ground plus two floors over it, two meters were found installed at the subject property one in the name of the father and the other in the name of the brother of the complainant the details of the same are mentioned below.

S.No.	METER NO.	R/C	FLOOR
1.	11134794	SH RAM DASS	NO FLOOR
2.	81462917	SH. SANJEEV	F/F

Reply further stated that as applied premises fall on the border of Delhi and UP as such it cannot be confirmed whether the applied area is within the territory of Delhi or not.

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Attested True Copy

[Signature]
Secretary
CGRF (BYPL)

Accordingly, the complainant is required to submit an indemnity bond, thus indemnifying OP of all or any loss in case subject premises are later found to be situated in UP.

It is further added that applicable distribution transformer installed on pole no. L-479 was found overloaded with 42 existing connections. Thus pending augmentation of the area which is Delhi-UP border area and where connections are released in terms of order dated 10.12.2021 passed in W.P. (c) 6211/2012 by Delhi High Court, no new connection can be released more so in the property which is already has electricity connections. In the subject property, two electricity connections already exist.

3. In response to the reply the complainant filed rejoinder. The complainant has applied electricity connection C-84, Khasra No. 13/1, Gali No. 1, Radha Vihar, and Delhi 110093. He also stated that the above area has been electrified by BYPL and connections are also given by BYPL in our area. Rejoinder further added that two connections have been given in his premises also and if BYPL feels that the above area is UP area then they should remove/shift their network from the above area so that the concerned department can electrify the above area. BYPL itself is saying in its reply that there are 42 connections installed on pole number L-479.
4. Heard arguments of both the parties.

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Secretary
CCBSE (BVDI)

5. From the perusal of the records placed before us we find that the Hon'ble High Court of Delhi order dated 10.12.2021 in W.P. (c) no. 6211/2012 in the matter of Human Fundamental Rights Association (Regd.) & Others Vs Union of India & Others,

"Accordingly, it is directed that without prejudice to the rights and contentions of the parties, in case any application is received by BSES-YPL, same be entertained in accordance with law. However, only pre-paid electricity connections be issued till the next date of hearing."

6. 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.

7. In view of the above, we are of the considered opinion that the complainant cannot be deprived of his right for getting electricity connection. According to the above stated Hon'ble High Court order the complainant is liable to get the new electricity connection. It is the duty of BSES to entertain the application of the complainant in accordance with law and to install pre-paid electricity connections.

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ORDER

The complaint is allowed and in compliance with the orders of Hon'ble High Court of Delhi OP is directed to release the new electricity connection as applied for by the complainant vide request no. 8006886228 at premises no. C-84, SF, Kh. No. 13/1, Gali No. 1, Radha Vihar, Delhi-110093 after completion of other commercial formalities as per DERC Regulations 2017.

OP is further directed to file compliance report within 21 days from the date of this order.

The case is disposed off as above.

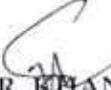
No order as to the cost. Both the parties should be informed accordingly.


(NISHAT A ALVI)

MEMBER (CRM)


(P.K. AGRAWAL)

MEMBER (LEGAL)


(S.R. KHAN)

MEMBER (TECH.)


(P.K. SINGH)

CHAIRMAN