



C A No. Applied for
Complaint No. 545/2024

In the matter of:

Zamila

.....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 (Technical)
4. Mr. H. S. Sohal, Member

Appearance:

1. Mr. Ramesh Kr. Prabhakar, Counsel of the complainant
2. Ms. Akash Swami, Mr. R. S. Bisht, Mr. Lalit & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 12th December, 2024

Date of Order: 17th December, 2024

Order Pronounced By:- Mr. H.S. Sohal, Member

1. The brief facts of the case giving rise to this grievance are that the complainant applied for a new electricity connection at premises no. F-2/20, Ground Floor, Jhuggi Sunder Nagari, Near Sani Bazar Road, Delhi-110093, vide requests no. 8006929666. The application of complainant was rejected by Opposite Party on the pretext of New

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connection not feasible as per legal opinion & Ownership dispute/Court Case & incomplete documents, but complainant stated that court case has been disposed off by the DUSIB vide order no. D85/Dir(Jir)/DUSIB/2023 dated 26.05.2023.

2. The respondent in reply briefly stated that the present complaint has been filed by the complainant seeking new electricity connection at the ground floor of the property bearing no. F-2/20, Ground Floor, Jhuggi Sunder Nagari, Near Sani Bazar Road, Delhi-110093, vide request no. 8006929666. The said application of the complainant was rejected on account of the **Firstly;** applied premises i.e. Jhuggi. However the instant complaint is defective as complainant fails to establish any ownership viz-a-viz the applied Jhuggi. **Secondly;** Applied premises is under court dispute which is evident from a demolition order dated 18.04.2023 against which an appeal was filed and a detailed order dated 26.05.2023 was passed by the office of Delhi Urban Shelter Improvement Board by Director/Appellate Authority (DUSIB) in case titled as Ms. Jamila vs. Delhi Urban Shelter Improvement Authority.

Reply further added that in terms of the detailed order dated 26.05.2023. The Appellate Authority (DUSIB) was pleased to observe the following:
"Keeping in view the aforesaid circumstances and the fact that the appellant is a poor widow lady aged about 80 years, in the interest of justice, it is directed to the Executive Engineer (C-8) that the appellant shall not be dispossessed from her Jhuggie i.e., the existing site situated at F-2/20, Sunder Nagar, JJ Colony, Delhi-93 without following the due process of law and without order of the competent authority".

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3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the laws/regulations talks about proof of occupancy or ownership which the Licensee may accept either ration card or electoral identity card mandatorily as a proof of occupancy. Hence, the said regulation provides concrete measure to provide electricity connection.

The Licensee is pleased to take the election card vide Voter Card No. DL/04/045/243048 issued in the year 1995 which is given to BSES-YPL for proving occupancy on behalf of Smt. Zamila. Complainant stated that the applied premise is under dispute wherein one order dated 26.03.2023 has been passed by of the office of Delhi Urban Shelter Improvement Board by Director/Appellate Authority (DUSIB) in case titled as Ms. Zamila vs. Delhi Urban Shelter Improvement Board. It is submitted that the key features of the appellate order is reproduced below for your kind consideration are as follows:-

“the entire land in this Sunder Nagari, JJ Colony, Delhi is of DUSIB and there are large number of Jhuggies in that area but demolition action was taken only against me while I had my Jhuggies at the aforesaid place since 1980”. (As per documents placed on record, it is not a court dispute but dispute with DUSIB).

4. Heard arguments of both the parties at length.
5. The issue is whether the connection of the complainant vides application no. 8006929666 in JJ Cluster can be released?
6. Before disposing off the application of the complainant, it is relevant to discuss the rules and regulations applicable to this issue.

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Regulation 10. New and Existing Connections:-

(3) Proof of ownership or occupancy of the premises:-

(ix) For bonafide consumers residing in JJ clusters or in other areas with no specific municipal address, the licensee may accept either ration card or electoral identity card mandatorily having the same address as a proof of occupancy of the premises.

7. For the release of the new electricity connection in JJ cluster the DERC Regulations 2017 requires electoral identity card or ration card, the complainant on record has placed electoral identity card on record in proof of her occupancy. It is also evident from record that already a connection was energized in the said jhuggi vide CA no. 101605016, which now stands disconnected.

8. From the perusal of orders of the Delhi Urban Shelter Improvement Board (DUSIB) dated 18.04.2023 and 26.05.2023. Orders of DUSIB dated 18.04.2023 was regarding providing police force for action of sealing/eviction/retrieval of Unauthorized occupied/trespassed DUSIB property/sample houses no. F-2/3 to F-2/12, F-2/17 to F-2/21, F-2/24 and F-2/37, Nand Nagri Extentsion, (Sunder Nagri) Delhi.

After this the complainant approached DUSIB and DUSIB vide its order dated 26.05.2023, ordered, "keeping in view the aforesaid circumstance and the fact that the appellant is a poor widow lady aged about 80 years, in the interest of justice, it is directed to Executive Engineer (C-8) that the appellant shall not be dispossessed from her Jhuggi i.e. the existing site situated at F-2/20, Sunder Nagri JJ Colony, Delhi-93 without following the due process of law and without orders of the competent authority."

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9. In view of the above orders of DUSIB dated 26.05.2023 we feel that the complainant should not be denied electricity connection till actual demolition takes place which takes years in many cases. Thus electricity connection should not be denied for a long period. As Water and electricity are integral parts 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 of. Even on the principle of law there should be equity before law and equal protection of law in the spirit of constitution.
10. Therefore, in view of above, rejection of application of new connection of the complainant is not justified. The complainant can be granted new electricity connection with the condition that at the time of release of new connection the complainant should file an affidavit that if in future DUSIB or any other competent authority takes any action against the property then OP should be at liberty to disconnect the supply of the complaint without serving prior notice.

ORDER

Complaint is allowed. Respondent is directed to release the new connection applied by complainant vide application no. 8006929666 at premises no. F-2/20, GF, Jhuggi Sunder Nagari, Near Shani Bazar Road, Delhi-11009 after completion of all the formalities required for giving connection to Jhuggi and submitting the undertaking by the complainant regarding the fact that if in future DUSIB or any other competent authority takes any action, OP will be free to disconnect the new electricity connection without any further notice.

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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
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