



**C A No. Applied For**  
**Complaint No. 53/2021**

**In the matter of:**

Sunil Khandelwal .....Complainant

**VERSUS**

BSES Yamuna Power Limited .....Respondent

**Quorum:**

1. Mr. Arun P Singh (Chairman)
2. Mrs. Vinay Singh, Member (Legal)
3. Dr. Harshali Kaur, Member (CRM)

**Appearance:**

1. Mr. Manoj Banka, A.R. of the complainant
2. Mr. Imran Siddiqi, On behalf of BYPL

**ORDER**

Date of Hearing: 14<sup>th</sup> July, 2021

Date of Order: 20<sup>th</sup> July, 2021

**Order Pronounced by:- Mrs. Vinay Singh, Member (Legal)**

Briefly stated facts of the case are that the complainant applied for new electricity connection but same were rejected by the respondent.

It is also his submission that on 08.03.2019 the complainant purchased the upper ground floor at property bearing no. 5215-16, UGF, Gandhi Market, Sadar Bazar, Delhi-110006 and the above said building is duly constructed as Ground Floor, Upper Ground Floor, First Floor, Second Floor only.

1 of 6

Complaint No. 53/2021

Already five electricity connections were installed by the respondent in the said premises. It is further added that on 01.06.2017 the said premises were booked by MCD vide SMDC file No. 149/B/UC/SPZ/2017 dated 01.06.2017 due to unauthorized construction under Section 344 & 343 of DMC Act. That on 29.10.2020, the complainant has applied for new electricity connection at upper ground floor vide application no. 8004618216. The respondent rejected the said applications of the complainant due to 'address in MCD objection list and BCC required'. The complainant approached the respondent but no one paid any heed to his complaints. He further submits that the respondent has released new electricity connections at the said premises on 19.08.2017, 09.12.2017 and 25.01.2018. The said property was booked on 01.06+.2017 for unauthorized construction and the said booking is under protected under National Capital Territory of Delhi (Special Provision Act) upto June 2017 and also the said special Provision Act is extended upto 2023. Therefore, he prayed the Forum for directions to the respondent for immediate release of the new electricity connection.

Notices were issued to both the parties to appear before the Forum on 30.04.2021.

The respondent submitted their reply stating therein that the complainant applied for new electricity connection at premises no. 5215-16, UGF, Gandhi Market, Sadar Bazar, Delhi-110006 vide request no. 8004618216 dated 29.10.2020. The said application for new connection vide application no. 8004618216 was rejected by the respondent due to address of the premises for which the new electricity connection applied appearing in the objection list of NDMC. Accordingly, deficiency letter dated 25.11.2020 issued wherein details of all above deficiencies were duly provided to the complainant.

2 of 6

*Handwritten signatures and initials in blue ink.*

Complaint No. 53/2021

Due to an upsurge in Covid-19 second wave hearings in the Forum could not be conducted during the period 20.04.2021 to 10.06.2021.

The matter was listed for hearing on 23.06.2021, when respondent submitted their reply, but it does not cover all the main issues of the complaint, regarding connections energized after booking the premises, objections regarding MCD booking under Protected National Capital Territory of Delhi, 2017. Respondent has also released demand note on 16.02.2021 in the MCD booked premises; they should provide details of the same. Respondent has to file all the clarifications of all the objections of the complaint and also file MCD booking letter of the building.

The complainant submitted his rejoinder refuting therein the contentions of the respondent as averred in their reply and reiterated his original complaint. He further submitted that complainant is facing lots of problems due to without electricity connection at the above said premises.

The respondent vide their mail dated 29.06.2021 submitted that copy of letter received from MCD regarding unauthorized construction. Letter was received in the office of respondent on 11.07.2018 and connections in the building were energized between August 2017 to January 2018 much before the letter from NDMC.

As per submission of the complainant stating that his building was booked in 2017 and same is protected under the "National Capital Territory of Delhi" (Special Provision Act) upto 2017 to 2020 and also extended upto December 2023. Respondent submitted that the complainant needs to submit an order issued from the MCD stating that his building is protected under above mentioned act and new connection can be granted by the BYPL in the said building.

*Handwritten signature*

*Handwritten signature*

*Handwritten signature*



Complaint No. 53/2021

The matter was again heard on 30.06.2021, when respondent file their additional reply which mentions that the property is booked by NDMC on 01.06.2017. Both the respondent and the complainant sought time for filing documents and NOC from NDMC.

The complainant submitted his additional submissions stating therein that the fresh electricity connections have been refused to the complainant due to the reason that the building/premises are unauthorized constructions. It was also submitted that on 01.07.2021, Mr. Parsant Gurnani had filed an application under the Right to Information Act, 2005 for seeking information from the NDMC, but the officer is stating that it will take 15 more days' time for written reply of the said queries. Therefore, the complainant asked for 20 days more time for justification of the facts of NDMC booking issues of applied premises.

The Authorized Representative of the complainant vide their mail dated 14.07.2021, submitted that they have received a letter from NDMC vide letter no. D/AE(B)-1/CSPZ/2021/520 dated 13.07.2021 and clearly mentioned that premises no. 5215-16, Upper Ground Floor, Gandhi Market, Delhi-110006 does not stand booked in the name of Sh. Sunil Khandelwal. Letter also mentioned that this office has no objection in regard to the electricity and water connection in respect of the subjected property. He also enclosed copy of NDMC reply.

The matter was finally heard on 14.07.2021, when complainant filed NOC from North Delhi Municipal Corporation stating that "this office has no objection in regard to the electricity and water connection in respect of subject property." But respondent is not satisfied with this letter. Respondent wanted to verify this letter through their Nodal Officer from NDMC within two working days and file the copy of verification before CGRF. Arguments heard. Matter was reserved for orders.

*Handwritten signature*

*Handwritten signature*

*Handwritten signature*  
4 of 6

Complaint No. 53/2021

The main issue in the present complaint is whether the connection can be released or not.

Electricity is essential requirement of livelihood and it is right of a person to enjoy the electricity because as it is decided by Himachal Pradesh High Court, in the matter of Madan Lal Vs State of Himachal Pradesh & Ors. Where it was stated that the right to water and electricity supply is an integral part of right to life under Article 21 of the Constitution of India.

In the matter of Saifuddin Vs CESC limited, 27 H 29 Calcutta High Court. The Court is of opinion that electricity is the basic necessity.

In the matter of Durga Rani Singh Vs WBSDCL, 9 May 2016 Calcutta High Court, "A person is settled occupier of any premises is entitled to get electricity connection. The right to get electricity is considered as an extended Fundamental Right.

The letter of NDMC having no. D/AE(B)-I/CSPZ/2021/520 dated 13.07.2021 filed by the complainant before CGRF verified by the respondent on dated 15.07.2021. NDMC confirmed that the letter issued by NDMC vide no. D/AE(B)-I/CSPZ/2021/520 dated 13.07.2021 got issued the letter from this Department on misrepresentation of the fact. Therefore, the said letter vide no. D/AE-(B)-I/CSPZ/2021/520 dated 13.07.2021 is hereby revoked/withdrawn.

We are of considered opinion the complainant misrepresented the facts before the NDMC and the NDMC has revoked/withdrawn the said letter no. D/AE-(B)-I/CSPZ/2021/520 dated 13.07.2021.

  
5 of 6





Complaint No. 53/2021

In future, whenever the complainant files a fresh NOC from NDMC, the respondent is directed to verify it and found it correct then the respondent is directed to release the connection as per DERC Guidelines after fulfilling all the commercial formalities.

The case is disposed off as above.

No order as to the cost. A copy of this order be sent to both the parties and file be consigned to record room thereafter.

The order is issued under the seal of CGRF.

  
(HARSHALI KAUR)  
MEMBER (CRM)

  
(VINAY SINGH)  
MEMBER (LAW)

  
(ARUN P SINGH)  
CHAIRMAN