

C A No. Applied for
Complaint No. 75/2023

In the matter of:

Ashish KhannaComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat A Alvi, Member (CRM)
3. Mr. S.R. Khan, Member (Technical)

Appearance:

1. Mr. Ashish Khanna, Complainant
2. Ms. Ritu Gupta, Mr. Imran Siddiqi, Ms. Shweta Chaudhary & Mr. Shubham Singh, On behalf of BYPL

ORDER

Date of Hearing: 28th February, 2023
Date of Order: 03rd March, 2023

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

1. Present complaint has been filed by Sh. Ashish Khanna against BYPL-PHG.
2. The brief facts of the case giving rise to this grievance are that complainant Sh. Ashish Khanna, applied for new electricity connection at premises no. 23-B, GF, Plot No. 12, Block no. 80, Punchkuiyan Road,

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Delhi-55 vide application no. 8006035791 but respondent rejected his application for new connection on pretext of energy dues against CA/meter building completion certificate/architect certificate for height of the building, MCD objection exist (unauthorized construction), trade license required, dues exist. He further added that he submitted all the required documents but OP has not release the connection till date.

3. The OP in their reply briefly stated that the complainant applied for fresh new electricity connection for ground floor of property bearing no. 23-B, plot no. 12, block no. 80, Punchkuian Road, Delhi-110055 vide application no. 8006035791.

Site of the complainant was visited and it was found that property having address 21 to 23 is a joint property and building consists of ground floor and three floors over it.

OP further added that during visit it was found there are outstanding dues of Rs. 2428/- of CA No. 100452901. Already there are four meter installed at the applied premises vide CA no. 35613303, 19004855, 11958050 and 11958048. The applied premises appear in MCD objection list bearing no. D/EE(B)/KBZ/2021/260 dated 31.03.2021. As per said letter the subject premises is booked for unauthorized construction in the shape of construction of LOFT at GF.

4. The representative of the complainant argued that the shop where he applied for new electricity connection is a Restaurant and MCD has issued him license for running the restaurant business in the said premise. Also, he paid an amount of Rs. 5,60,014/- to the excise department as renewal of license fee for the next six months.

Seeth

[Signature]

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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 the clearance from MCD.
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 connection at premises no. 23-B, Plot No. 12, block no. 80, Punchkuan Road, but respondent raised objection that said premise is booked by MCD vide letter no. D/EE(B)/KBZ/2021/260 dated 31.03.2021. It is also observed that already there are four electricity connections in the applied premises. The complainant along with his complainant submitted Health Trade License issued by MCD, Consent certificate issued by DPCC, License under FSS Act, 2006 issued by Department of food safety and also submitted License to keep a place of public entertainment of Class 'A' by Joint commissioner of Police Licensing.
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

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spirit of constitution. In the present circumstances, the complainant submitted all the licenses required for running a restaurant in the National Capital of Delhi. Even the MCD has issued trade license to the complainant at the same address at which complainant has applied for new electricity connection i.e. 23B, GF, Punchkuian Road, Delhi-110055 on 28.06.2022. therefore; the complainant who had applied for new connection cannot be deprived of his right to electricity.

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 should file an affidavit that if MCD takes any action against the encroached property then OP should be at liberty to disconnect the supply of the complainant.

ORDER


Complaint is allowed. Respondent is directed to release the connection applied by complainant after completion of all the commercial formalities and after giving the undertaking regarding the fact that whenever MCD in future will take action against the illegal construction, OP is free to disconnect the new electricity connection.

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.


(NISHAT A ALVI)
MEMBER (CRM)


(S.R. KHAN)
MEMBER (TECH.)


(P.K. SINGH)
CHAIRMAN