

C A No. Applied For
Complaint No. 283/2023

In the matter of:

Bhupander Singh KohliComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Shnky R.S. Gupta, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht & Ms. Chhavi Rani, On behalf of BYPL

ORDER

Date of Hearing: 22nd August, 2023
Date of Order: 28th August, 2023

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

1. As per complaint, the complainant Mr. Bhupander Kohli, applied for new electricity connection vide application no. ONGTR0305231084/8006303160 at premises no. 520/4, GF, Industrial Area, Dilshad Garden, Jhilmil Tahirpur, Shahdara, Delhi-110095, but respondent rejected his application for new connection on pretext of MCD objection.

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CGRF (BYPL)

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2. OP in its reply briefly submitted that the complainant is seeking new electricity connection at ground floor for property bearing no. 520/4, Industrial Area, Dilshad Garden, Jhilmil, Tahirpur, Shahdara, Delhi-110095. OP further added that subject premises are booked by MCD for unauthorized construction. Communication by MCD regarding properties booked for unauthorized construction was sent to respondent.

S.No.	Date of letter	Letter no.
a)	11.12.2017	EE(B)-I/SH-N/2017/D-327
b)	08.02.2018	EE(B)-I/SH-N/2018/D-51
c)	17.10.2018	EE(B)-I/SH-N/2018/313
d)	12.04.2019	EE(B)-I/SH-N/2019/D-61
e)	22.05.2019	EE(B)-I/SH-N/2019/D-87

Accordingly, a deficiency letter was issued. The complainant was asked to file NOC or Building Completion Certificate. OP further added that premises of the complainant is part of property no. 520, out of which few parts i.e. 520/1 & 2, 520/5, 520/6, 520/7, 520/10 and 520/12 of Mahalaxmi and Ganpati Compound have already been booked and sealed vide MCD sealing drive on 30.09.2022.

The complainant contended that 520/4 is not the same property and as such is not booked by MCD. However, as apparent from the MCD objection list herewith and perhaps it is a case wherein the same property is divided into various arts and that those parts of the premises are being sealed by the MCD in a phased manner.

3. Representative of the complainant stated that its not his property which is booked by MCD. His address is not appearing in the MCD objection list.

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4. LR of the OP submitted that property no. 520 is a big compound and property booked is different from property bearing no. 520/1 & 2.
5. 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 evident that OP submitted five MCD objection lists from 2017 till 2019 but none of the list shows property no. 520/4 booked. Also, letter no. EE(B)-I/Sh-N/2022/D-268 dated 09.09.2022, regarding demolition action against un-authorized construction in properties no. 520/1 & 2, 520/5, 520/6, 520/7, 520/10 and 520/12, Mahalaxmi and Ganpati compound, G.T. Road, Dilshad Garden, Delhi. It also nowhere mentions property no. 520/4. Therefore, the new connection to the complainant cannot be denied on the basis of evidence placed on record by OP.
6. In view of the above, we are of the considered opinion that the premises of the complainant is not booked by MCD for unauthorized construction, therefore, therefore, in the interest of justice the complainant cannot be deprived off with his right to basic amenity.
7. 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 spirit of constitution.
8. We are of the view that the respondent has not taken adequate care in handling the consumer request for new connection. The deficiency letter

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dated 23.05.2023 was not supported by required diligence. The delay caused to consumer cannot be justified. The respondent has violated Section-43 of Indian Electricity Act 2003. Accordingly, the Respondent has to pay compensation to the consumer as stipulated in Regulation-71. We award a compensation of Rs. 1000/- (rupees one thousand only) (lump sum) to the complainant which OP should expeditiously pay.

ORDER


Complaint is allowed with compensation. Respondent is directed to release the connection applied by complainant after completion of all the commercial formalities.


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.


Both the parties should be informed accordingly. Proceedings closed.



(P.K. SINGH)
CHAIRMAN


(S.R. KHAN)
MEMBER-TECH


(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER

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