C G R F
B Y P L

Consumer Grievance Redressal Forum
FOR BSES YAMUNA POWER LIMITED
(Constituted under section 42 (5) of Indian Electricity Act. 2003)
Sub-Station Building BSES (YPL) Regd. Office Karkardooma,
Shahdara, Delhi-110032
Phone: 32978140 Fax: 22384886
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SECY/CHN 015/08NKS

C A No. Applied For
Complaint No. 303/2023

In the matter of:

Dhruv Chaudhary .....Complainant

VERSUS

BSES Yamuna Power Limited .....Respondent

Quorum:

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

Appearance:

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

ORDER
Date of Hearing: 12th October, 2023
Date of Order: 16th October, 2023

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

1. The brief facts of the case giving rise to this grievance are that complainant Mr. Dhruv Chaudhary applied for new connection vide application no. 8006281494, 8006281485 and 8006281490 at premises no. C-57, FF, Gali No. 1/5, C-blk, Bhajanpura, Delhi-110053, but respondent rejected his application for new connection on the pretext of NOC from MCD or completion cum occupancy certificate required. Therefore, his application for new connection may be granted.

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CGRF (BYPL)

2. OP in its reply briefly submitted that complainant is seeking three fresh electricity connections in respect of first floor in the name of Sh. Dhruv Chaudhary, second floor in the name of Ms. Babli and third floor in the name of Sh. Ajab Singh at property bearing no. C-57, Bhajanpura, Delhi. OP further added that the present complainant is filed by Sh. Dhruv Chaudhary with no authority letter from Sh. Ajab Singh and Ms. Babli and hence is in respect of second floor and third floor, the present complaint is not maintainable. Deficiency letters were issued for the reason as applied address was found in MCD objection list vide letter no. EE(B)-I/SH-N/2019/D-204 dated 20.12.2019. The subjected property is mentioned at serial no. 54, in the shape of u/c of entire first floor and second floor.

   OP further added that the subjected property already has one electricity connection without floor mentioned in the billing address in the name of Suman Gera. At the time of inspection first floor was found electrified through subject connection. At the first floor there is only one dwelling unit as such no new connection can be provided on the first floor.

3. Counsel of the complainant submitted his rejoinder and rebutted the contentions of the respondent as averred in their reply and stated that property of the complainant is not booked by MCD and the booked property is C-5, Bhajan Pura, Delhi.

4. Case was put up for hearing before the Forum on 03.10.2023, when counsel of the complainant stated that property on which complainant applied for new connection is different property as booked shown by OP. Both the parties were directed to conduct joint inspection to ascertain the factual position at site.

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5. On hearing dated 12.10.2023, OP submitted site visit report which states as under:-

"As per revisit with consumer, we could not find the address C-57 in Gali No. 3 and Sunil Kapur not found in Gali No. 3. Applied structure is ground and four floors and area is 65 sq yards. So, as same premise not found in Gali No. 3, so we can't confirm but as per area it is suspected."

6. We have gone through the submissions of both the parties and from the perusal of site visit report submitted by OP it is clear that the premises booked by MCD is totally different premises and they could not locate address C-57 in Gali No. 3 and the premises of the complainant is ground plus four floors whereas the booked premises are ground plus two floors. It seems that both the premises are entirely different. 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 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.

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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. Proceedings closed.

(NISHAT A ALVI)	(P.K. AGRAWAL)	(S.R. KHAN)	(P.K.SINGH)
MEMBER (CRM)	MEMBER (LEGAL)	MEMBER (TECH.)	CHAIRMAN

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