



Consumer Grievance Redressal Forum

FOR BSES YAMUNA POWER LIMITED

(Constituted under section 42 (5) of Indian Electricity Act, 2001)

Sub-Station Building BSES (YPL) Regd. Office Karkardooma

Shahdara, Delhi-11003

Phone: 32978140 Fax: 2238488

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SECY/CHN 015/08NF

C A No. Appiled For Complaint No. 30/2023

In the matter of:

Gurvinder KaurComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Shanky R.S. Gupta, A.R. of the complainant
2. Ms. Ritu Gupta, Ms. Amita Sharma, Ms. Shweta Chaudhary, Mr. Shubham Singh & Ms. Divya Sharma, On behalf of BYPL

ORDER


Date of Hearing: 28th March, 2023

Date of Order: 03rd April, 2023

Order Pronounced By:- Mr. P.K. Singh, Chairman

1. This complaint has been filed by Ms. Gurvinder Kaur, against BYPL-GTR.
2. The brief facts of the case giving rise to this grievance are that complainant Ms. Gurvinder Kaur resides at premises no. Part-I/6875, 3rd floor, Street No. 4, Rohtash Nagarm Shahdara, Delhi-110032.

Attested True Copy


Secretary
CGRF (BYPL)

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It is also her submission that she applied for new electricity connection vide request no. ONGTR0709220787 but respondent rejected her application for new connection on pretext of building appearing in MCD objection list.

3. OP in its reply briefly stated that the complainant applied for new electricity connection vide application no 8005897897 at House no. 1/6875, Third Floor, street no. 4, East Rohtash Nagar, Shahdara, Delhi-32. OP further added that application for the new connection was rejected due to being the address of the premises for which the new electricity connections applied appearing in the objection list of EDMC as per letter no. EE (B)-II/Sh-N/2019/D-459 dated 22.05.2019 has booked for unauthorized construction in shape of rooms, hall etc at GF, FF, SF, 3rd F and 4th F. Therefore, as per DERC Regulations 2017, new connection cannot be provided to the complainant in terms of Regulation 10 of DERC Supply Code 2017.
4. Arguments of both the parties are heard.
5. Representative of the complainant submitted that as per the MCD objection list provided by the respondent it states that the premises is booked in the name of Santosh Chauhan at premises no. 1/6875, Gali No. 5, East Rohtash Nagar, Shahdara, Delhi. He further submitted that his premises is in Gali no. 4, therefore, it's not his premises which is booked by MCD, it is some other person's property which is booked by MCD. He also submitted copy of registered sale deed dated 18.0.2022 in favour of Smt. Gurvinder Kaur, the complainant which also mentions the address of the complainant as 1/6875, Gali No. 4, East Rohtash Nagar, Shahdara, Delhi-32.

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6. LR of the OP submitted since the building is booked by MCD therefore, new connection is not feasible.
7. 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 1/6875, 3rd F, Gali No. 4, East Rohtash Nagar, Shahdara, Delhi-110032, but respondent raised objection that the said property, is booked by MCD vide order no. EE (B)-II/Sh.N/2019/D-459 dated 22.05.2019. From perusal of Sale deed placed on record, it shows that the property was purchased by Smt. Gurvinder Kaur from Sh. Shiv Kumar Arora, Smt. Om Wati Gard and Smt. Veena Narang (the Vendors) and the vendors purchased the said property on 31.05.2019 from one Sh. Rajesh s/o Lt. Shri Ganga Ram, thus it nowhere shows that name of Sh. Santosh Chauhan, whose property has been booked by MCD in the year 2019.
- Also, the complainant submitted bank document, which shows that the property no. 3rd floor of 1/6875, comprised in Khasra No. 258, Gali No. 4, situated at village Sikdapur, East Rohtash Nagar, Illaqa Shahdara, Delhi-32, with roof rights is mortgaged with AU Small Finance Bank Ltd., and the original documents are with bank.
8. 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. In the present circumstances, since the property papers are with bank and if the premises were booked by MCD the bank should had not mortgaged the property and issue loan to the complainant.

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[Signature]
Secretary
CGRF (BYPL)

[Handwritten signatures]

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9. 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.

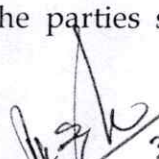
ORDER

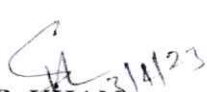
Complaint is allowed. Respondent is directed to release the connection applied by complainant after completion of all the commercial formalities and after giving the undertaking regarding the fact that whenever MCD in future will take action against the illegal construction, OP is free to disconnect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