



C A No. Applied For
Complaint No. 245/2023

In the matter of:

Harender Kumar GuptaComplainant

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. Rakesh Sharma, A.R. of the complainant
2. Ms. Ritu Gupta, Mr. Nishant, Ms. Shweta Chaudhary & Ms. Chhavi Rani, On behalf of respondent

ORDER

Date of Hearing: 27th July, 2023
Date of Order: 31st July, 2023

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

1. This complaint has been filed by Mr. Harender Kumar Gupta against BYPL-KPN.
2. The brief facts of the case giving rise to this grievance are that complainant applied for new electricity connection vide request no. 8006243755 at premises no. IX/805, Plot No. 19, GF, Prem Gali No. 3E, Subhash Road, Gandhi Nagar, Delhi-31.

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Secretary
CGRF (BYPL)

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It is also his submission that OP rejected his application for new connection on the pretext of premises appearing in MCD objection list. Therefore, his complaint for grant of new electricity connection be granted.

3. OP in its reply briefly stated that the complainant is seeking fresh electricity connection for ground floor of property bearing no. IX/805, plot no. 19, Prem Gali no. 3E, Subhash Road, Gandhi Nagar, Delhi-110031. In respect of the application of complainant for new connection vide request no. 8006243755 the deficiency letter was issued for the reason as applied address was found in MCD objection list forwarded to respondent vide letter no. EE(B)-I/Sh(S)/2020/D-4160 dated 23.11.2020. As per the said list unauthorized construction is in the shape of entire ground floor, first floor and second floor. It is also submitted that regarding existing electricity connections bearing CA No. 153933569 and 153965035 disconnection notices stands issued.
4. Representative of the complainant submitted that as per MCD, it's not necessary to get sanctioned building plan for construction of plots less than 90 sq yards. He also submitted that his plot size is less than 90 meters and building height is also less than 15 meters. He also submitted that the list provided by OP is not readable, thus requested for legible copy.

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5. LR of the OP submitted that it's the premises of the complainant only which are booked by MCD, therefore, it is not feasible for OP to release the new connection to the complainant without BCC or NOC from MCD.
6. We have gone through the submissions made by both the parties. From the narration of facts and material placed before us we find that the list of MCD provided by OP is dated 23.11.2020, whereas the complainant purchased the said property on 02.05.2022 i.e after booking of premises. The complainant after purchasing property demolished the same and got temporary connection released on 28.09.2022 vide CA no. 153933569 and on 03.11.2022 vide CA no. 153965035 for construction purpose. It is also evident from perusal of record that MCD booked the premises on 23.11.2020 and complainant constructed the new building in the year 2022. It is clear that MCD booking is either on some other premises or an old booking which cannot be considered as the building has been demolished and constructed new.
7. Therefore, we are of considered opinion that the new connection to the complainant be released by taking an undertaking from the complainant that if in future MCD takes any action for demolition, then OP is free to disconnect the electricity supply.
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.

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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.

The parties should be informed accordingly. Proceedings closed.

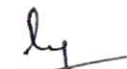

(P.K. SINGH)
CHAIRMAN



(S.R. KHAN)
MEMBER-TECH


(NISHAT AHMAD ALVI)
MEMBER-CRM

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CGRF (BYPL)


(P.K. AGRAWAL)
MEMBER-LEGAL


(H.S. SOHAL)
MEMBER