



C A No. Appiled For
Complaint No. 93/2023

In the matter of:

Inder ChawlaComplainant

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 & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 11th April, 2023
Date of Order: 19th April, 2023

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

1. This complaint has been filed by Mr. Inder Chawla, against BYPL-GTR.
2. The brief facts of the case giving rise to this grievance are that complainant Mr. Inder Chawla applied for new electricity connection

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Secretary
CGRF (BYPL)

[Handwritten signatures]

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vide request no. ONGTR2810220103 at premises no. part property 1/6990, FF, Shivaji Park, Shahdara, Delhi-110032 but respondent rejected the application of the complainant for new connection on the 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 ONGTR2810220103 at House no. 1/6990, Shivaji Park, Shahdara, Delhi. OP further added that application for the new connection was rejected due to 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-772 dated 24.09.2019 has booked for unauthorized construction in shape of deviation from SBP ID No. 10046000 from stilt to third floor. Therefore, as per DERC Regulations 2017, new connection cannot be provided to the complainant in terms of Regulation 10 of DERC Supply Code 2017. OP further added that at the time of inspection it was found that building consists of parking plus four floors over it the details of the meters installed were also provided. i) CA NO. 152845054 installed at second floor, energized on 24.06.2019, ii) CA NO. 152845055 installed at UGF, energized on 25.06.2019, iii) CA NO. 152879544 installed at GF energized on 26.07.2019 and iv) CA NO. 152845056 installed at Third floor, energized on 24.06.2019.
4. Arguments of both the parties are heard.
5. Representative of the complainant submitted Delhi Jal Board has also released water connection in the applied premises. He also submitted property tax receipt for the financial year 2021-22 and bank loan document for the same property.

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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 1/6990, FF, Shivaji Park, Shahdara, Delhi, but respondent raised objection that the said property, is booked by MCD vide order no. EE (B)-II/Sh-N/2019/D-772 dated 24.09.2019. From perusal of the documents placed on record, it shows that the property was purchased by Smt. Neeru Chawla from Sh. Sandeep Kumar Gupta s/o Sh. Babu Ram Gupta (the Vendors) on 19.07.2019 thereafter; Smt. Neeru Chawla gifted the property in question to Sh. Inder Chawla on 16.12.2021. Also, the complainant submitted bank loan document, which shows that the complainant has taken loan for property no. 1/6990, entire first floor without roof rights, Village Sikdarpur, Shivaji Park, Illaqa Shahdara, Delhi, North East Delhi-110032 from Axis Finance Limited. The complainant has also made payment of property tax for the financial year 2021-2022. MCD in its letter no. EE(B)-II/Sh-N/2019/D-772 dated 24.09.2019 has clearly mentioned that there is Deviation from SBP ID No. 10046000 from stilt to third floor, it means that there must be some deviation in construction from the Sanctioned Building Plan. The entire construction is not unauthorized. Since other floors of the building have separate electricity connections and only portion of the complainant is without electricity therefore, in the interest of justice the complainant cannot be deprived off with his right to basic amenity.

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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.
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.

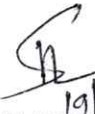
ORDER


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.



19/4/23
(S.R. KHAN)
MEMBER-TECH



(NISHAT AHMAD ALVI)
MEMBER-CRM


(P.K. SINGH)
CHAIRMAN

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Secretary
CGRF (BYPL)


(P.K. AGRAWAL)
MEMBER-LEGAL


(H.S. SOHAL)
MEMBER