



**CA No. Applied for
Complaint No. 378/2023**

In the matter of:

Ishpreet Singh BediComplainant

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. Hemant Goel, Counsel of the complainant
2. Ms. Ritu Gupta, Ms. Shweta Chaudhary & Ms. Chhavi Rani, On behalf of BYPL

ORDER

Date of Hearing: 01st February, 2024
Date of Order: 05th February, 2024

Order Pronounced By:- Mr. Nishat A Alvi, Member (CRM)

1. This complaint has been filed by Ishpreet Singh Bedi against BYPL-G.T. Road. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connection vide request no. ONGTR2408230421 at premises no. 340/2/26, Gali No.1, Friends Colony Industrial Area, G.T. Road, Village Jhilml Tahirpur, Shahdara, Delhi-110095 but respondent rejected his application for new connection on pretext of applied address and property paper address both mismatch. NOC Form and NOC Person ID proof required.

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Secretary
CGRF (BYPL)

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2. OP in its reply briefly stated that the complainant is seeking new electricity connection for the premises no. 340/2/28, Gali No. 1, Friends Colony Industrial Area, GT Road, Shahdara, Delhi-110095. In respect of subject premises, sale deed dated 15.04.2021 has been placed on record which has been executed by Shree Shree Iswar Satyanarayananjee and Other Deities in favour of Sh. Gurmeet Singh Bedi, father of the complainant.

The complainant applied for new electricity connection vide request no. ONGTR2408230421 under NX category for non-domestic purpose, and the said application of the complainant was rejected for mismatch in address as the complainant has applied for 340/2 whereas the property documents furnished by the complainant are in respect of 340/2/26. Therefore, there is an apparent mismatch of address.

Reply also added that the with respect to application no. 8006300366 of the complainant, the address in respect of which the complainant is seeking a new connection is GF 340/2/26 and at the time of inspection, it was found that the building structure is built as basement + Ground floor + 3 floors over it. Already a temporary meter having no. 35759470 is installed at site. The said application was rejected as the applied address was found to be booked by MCD for unauthorized construction vide letter no. EE(B)-I/Sh(S)/2021/D-1990, EE(B)-I/Sh(S)/2017/D-269(A), EE(B)-I&II/Shah(S)/2020-21/D-1436 and EE(B)-I/Sh-N/2023/D-151.

3. Both the parties were directed to conduct joint site visit to ascertain the factual position whether the site of the complainant is booked by MCD or not. The site visit report submitted by the respondent shows that plot no. 340 is a big khasra and there are many premises on the said khasra.

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4. From the narration of facts and during the course of hearings the counsel of the complainant stated that OP has recently released a new connection on 16.01.2024 at Plot no. 340/2/27, GF, Gali No. 1, Friends Colony Industrial Area, GT Road, Delhi-110095. He also contested that his premises is in front of metro pillar no. 24, whereas MCD has booked premises in front of Metro Pillar no. 25. Same is also evident from the MCD booking list. Also, the site map attached with the site visit clearly shows that the applied address of the complainant is in front of Metro Pillar No. 24.
5. Since the main objection of OP was regarding MCD booking of property no. 340/2 in front of Metro Pillar no. 25 and from the site visit map submitted by OP it seems that the complainant's premises do not fall in front of Metro pillar no. 25. The complainant's premises are in front of Metro pillar no. 24. Also, recently OP has released a new electricity connection in premise no. 340/2/27, therefore, in the interest of justice the complainant cannot be deprived off with his right to basic amenity.
6. 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.
7. 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 in future MCD takes any action against the his property then OP should be at liberty to disconnect the supply of the complainant.

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8. In view of the above, we are of the considered opinion that the new connection application of the complainant vide request no. ONGTR2408230421 for premises no. 340/2/26, Gali. No. 1, Friends colony Industrial Area, can be granted.


ORDER

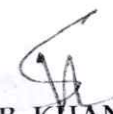
Complaint is allowed. Respondent is directed to release the connection applied by complainant after completion of all the commercial formalities and after giving the undertaking regarding the fact that whenever MCD in future will take action, OP is free to disconnect the new electricity connection.


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


(NISHAT AHMAD ALVI)
MEMBER-CRM


(P.K.AGRAWAL)
MEMBER-LEGAL


(H.S. SOHAL)
MEMBER

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