



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. Appiled For
Complaint No. 157/2023

In the matter of:

Kiran Lakra

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

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)

Appearance:

1. Mr. Kanishk, Counsel of the complainant
2. Ms. Ritu Gupta, Ms. Pragya Paliwal, Ms. Shweta Chaudhary & Ms. Divya Sharma, On behalf of BYPL

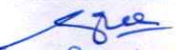
ORDER

Date of Hearing: 09th May, 2023

Date of Order: 15th May, 2023

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

1. This complaint has been filed by Ms. Kiran Lakra, against BYPL-MVR.
2. The brief facts of the case giving rise to this grievance are that complainant Ms. Kiran Lakra applied for new electricity connection at premises no. B-213, old no. 220, Kh. No. 393/264, New Ashok Nagar, Delhi.

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It is also her submission that she applied for new electricity connection vide request no. 8005437463 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 8005437488, 8005437503 and 8005437463 for domestic purpose at first, second and third floors of property no. B-213, New Ashok Nagar, Delhi, Vasundhara Enclave, Delhi. 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/2018/D-1071 dated 03.07.2018 has booked for unauthorized construction in shape of GF and FF with projection. 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 site visit it was found that building consists of ground plus three floors over it with single domestic (DX) unit at each floor. The connection exists in the premises of the complainant is commercial connection which was energized in the year 1999.

4. Arguments of both the parties are heard.
5. Representative of the complainant submitted that the complainant purchased plot bearing no. B-213, New Ashok Nagar, in the year 1998 and thereafter there was just a makeshift arrangement and one electricity meter was installed for which the complainant never received any kind

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of notice from MCD. It is further submitted that there are many newly constructed houses at B-213. As per site plan, there are number of properties which bears address as B-213, it is not the complainant's property which has been booked by MCD but some other property bearing the same address.

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 B-213, New Ashok Nagar, Delhi, Vasundhara Enclave, Delhi, but respondent raised objection that the said property, is booked by MCD vide order no. EE (B)-II/Sh/2018/D-1071 dated 03.07.2018. From perusal of site plan it is clear that there are multiple properties with the address B-213, therefore, it is not clear which property is booked by MCD.
Respondent also verbally submitted that the complainant has applied for new electricity connection six months ago, that time also OP wrote to MCD but received no response from MCD.
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 there are multiple properties with same address, therefore it is difficult to ascertain which property is booked by MCD, thus the complainant cannot be deprived off his right to basic necessity.

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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.


NISHAT A. ALVI
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


(S.R. KHAN)
MEMBER (TECH.)


(P.K. SINGH)
CHAIRMAN

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