

C G R F



B Y P L

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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SECRETARY'S OFFICE

C A No. Applied For
Complaint No. 355/2023

In the matter of:

Krishna Gupta

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat A Alvi, Member (CRM)
3. Mr. P.K. Agrawal, Member (Legal)
4. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Imran Siddqui, Counsel of the complainant
2. Ms. Ritu Gupta & Mr. R.S. Bisht, On behalf of BYPL

ORDER

Date of Hearing: 28th November, 2023

Date of Order: 05th December, 2023

Order Pronounced By:- Mr. H.S. Sohal, Member

1. The complainant Krishna Gupta in her complaint submitted that she applied for new electricity connection vide request no. 8006466159 at premises no. 76, GF, block-P, Daryaganj, South Estate, Delhi-110002 but respondent rejected her application for new connection on pretext of domestic setup not found in applied portion and applied portion made of temporary walls and first floor to fourth floor fully vacant building.

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for
Sharma

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CGRF (BYPL)

Complaint No. 355/2023

2. OP in its reply briefly submitted that complainant is seeking new electricity connection at 76, GF, Block-P, Darya Ganj, South Estate, New Delhi-110002. OP further added that the complainant applied for new connection at repeated intervals and all his applications got rejected. Firstly, he applied on 03rd August 2023, upon inspection the application was rejected as temporary domestic setup was found. Site of the complainant was re-visited against on 21.08.2023 and thereafter a deficiency letter was issued as again temporary domestic structure was found. On ground floor a temporary wooden structure of one room was found along with a temporary kitchen and the remaining portion was found vacant. Also, an electricity connection bearing CA No. 100292391 was disconnected on 29.08.2023 due to non-payment of dues and now the complainant is liable to pay his share of dues on pro-rata basis of Rs. 4473/-.

Third time site was visited on 29.08.2023. During inspection the complainant was not present and the premises were found locked. Complainant was informed telephonically and site visit was conducted in the presence of the representative of the complainant and it was found that building is still under construction having structure of basement + G + 4 (fully vacant). The applied portion had a temporary wooden structure/setup. It further transpired that the ground floor was still parking area with one temporary setup/guard room and that there is no wiring from the basement and FF to above.

3. Counsel of the complainant rebutted the contentions of the respondent as averred in their reply and denied the contention of the OP that the building is still under construction. The new connection is required for the guard room on the ground floor.

for
Blalme

S. R. S.

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CGRF (BYPL)

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Counsel further submitted that the pro-rata dues claimed by OP are of nearby building and hence same does not pertain to the complainant. OP has released the temporary connection without asking for payment of pending dues, hence same cannot be asked from the complainant now when she has applied for permanent connection for the guard room.

4. Heard both the parties and perused the record.
5. We have gone through the submissions made by both the parties. From the narration of facts and material placed before us we could not find OP's objection prudent that structure is temporary and new connection cannot be given to the complainant. OP was asked to file any Rules or Law relating to the objection, but OP failed to submit any substantial document in support of their objection. Therefore, the complainant cannot be deprived off his right of electricity. Also, held by 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. Water and electricity are integral part of right to life.

ORDER

The complaint is allowed.

OP is directed to release the new electricity connection to the complainant under Domestic three (3) category. Regarding pending dues, the dues are of other premises of same number; therefore they are not recoverable from the complainant.

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for
Ashwini

S. P. H. S.

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
Secretary
CGRF (BYPL)

Complaint No. 355/2023

OP is further directed to file compliance report within 21 days from the date of this order.

No order as to the cost. Both the parties should be informed accordingly. File be consigned to Record Room.


(H.S. SOHAL)
MEMBER


(NISHAT A. ALVI)
MEMBER (CRM)


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


(P.K. SINGH)
CHAIRMAN

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for
Ahluwalia

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CGRF (BYPL)