

C A No. Applied for
Complaint No. 81/2023

In the matter of:

Krishnawanti & Tarun KumarComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat A Alvi, Member (CRM)
3. Mr. S.R. Khan, Member (Technical)

Appearance:

1. Mrs. Krishnawanti & Mr. Tarun Kumar, Complainant
2. Ms. Ritu Gupta, Mr. Imran Siddiqi, Ms. Shweta Chaudhary & Mr. Shubham Singh, On behalf of BYPL

ORDER

Date of Hearing: 28th February, 2023

Date of Order: 06th March, 2023

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

1. Present complaint has been filed by Smt. Krishnawanti & Sh. Tarun Kumar against BYPL-KRN.
2. The brief facts of the case giving rise to this grievance are that complainant Smt. Krishnawanti & Sh. Tarun Kumar, applied for new electricity connection at premises no. C-7, Laxman Park, Gali No. 2, Chander Nagar, Delhi-110051 vide application no. 8005992655,

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8005992660, 8005991865, 8005991875 and 8005991886 but respondent rejected his application for new connection on pretext of premises booked by MCD, whereas it's their neighbor's property which is booked by MCD.

3. The OP in their reply briefly stated that the complainant applied for fresh new electricity connections for various floors of property no. C-7, Laxman Park, Gali No. 2, Chander Nagar, Delhi-110051 vide application nos 8005992655, 8005992660, 8005991865, 8005991875 and 8005991886. The applications of the complainant and his family meters were rejected as applied address was found in MCD objection list vide letter no. EE(B)-I/SH(S)/2019/D-6091 dated 06.02.2019 in the shape of u/c in the shape at room toilet etc. projection on municipal lane GF and FF.

OP further added that property no. C-7 is divided into two portions of 75 sq yards each and it is the second portion which is the neighbor house which is booked by MCD as the same was constructed in year 2019. It is also submitted that in the year 2019 the adjacent property was having more than two floors whereas property booked by MCD was having only ground floor and first floor. Thus the adjacent property was granted four connections in August 2019 as property booked by MCD was constructed only upto first floor.

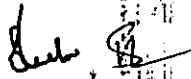
OP further added that complainant claimed that his property consists of two portions one of 50 sq yards which he purchased by way of sale deed on 30.11.2019. The second portion of 25 sq yards was purchased by complainant by way of GPA in July 2000 which is constructed till FF, thus as per description of the unauthorized construction provided by MCD in all likelihood it is this portion which pertains to complainant which was booked by MCD.

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4. The representative of the complainant argued that his property is of 75 sq yards from which he own 25 sq yards since year 2000 and other 50 sq yards he purchased on 30.11.2019. He applied for temporary connection for construction of building in the year 2021 and started construction in June 2021. Therefore, the MCD objection taken into consideration by OP is on other portion of property no. C-7 which was constructed in the year 2019 and where respondent has already released four new connections in August 2019. The question of his property being booked by MCD does not arise, since he starting construction through builder in the year 2021 and MCD booking was done in the year 2019.
5. The LR of the OP submitted that the premises of the complainant are booked by MCD and they cannot release the new connection to the complainant until he submits the clearance from MCD. They also submitted that adjacent property was having more than two floors whereas property booked by MCD was having only ground and first floor. Therefore, as per description of the unauthorized construction provided by MCD in all likelihood it is this portion of the complainant which was booked by MCD. Complainant was granted temporary connection for construction on the basis of undertaking of the complainant that property is not booked by MCD.
6. Heard both the parties and perused the record. Heard the arguments of Authorized Representative of the complainant and OP-BYPL.
7. The main issue in the present complaint is whether the connection to the complainant can be given when premises are booked by MCD.





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8. 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 connections at premises no. C-7, Laxman Park, Gali No. 2, Chander Nagar, Delhi-110051, but respondent raised objection that said premise is booked by MCD vide letter no. D/EE(B)-I/Sh(S)/2019/D-6091 dated 06.09.2019. Forum observed that the complainant started construction in the year 2021 and MCD booked property no. C-7 (part) in the beginning of the year 2019. Also, the complainant purchased the 50 sq yards portion of property C-7 on 30.11.2019 i.e. after booking of property by MCD. Therefore, OP's contention that the premises of the complainant are booked is denied here.
9. Since, 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, the complainant applied for new electricity connection at C-7(part) but OP denied him connection on the pretext that premises are booked by MCD. OP's contention is denied here since the complainant started construction in his portion in the year 2021 and MCD booked premises in the year 2019 and the other part of property no C-7 was being booked in the year 2019. It seems the part of C-7 constructed in the year 2019 was booked by MCD where OP has already released the connections. Therefore, complainant cannot be denied new connections on this ground.

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10. 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 shall file an affidavit to undertake oath that ^{it} in the event of any action against the applied premises on the basis of said objection by the MCD ,she shall have no objection and OP shall be entitled /at liberty to disconnect the electricity supply against the connection ,so granted .


ORDER


Complaint is allowed. Respondent is directed to release the connection applied by complainant after completion of all the commercial formalities and after submitting her aforesaid affidavit to the OP.

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. File be consigned to Record Room.


(NISHAT A ALVI)
MEMBER (CRM)


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


(P.K. SINGH)
CHAIRMAN