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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

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SECY/CHN 015/08NKS

C A No. Applied For
Complaint No. 466/2023

In the matter of:

Manohar Lal

.....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. Omkar Singh, Counsel of the complainant alongwith complainant
2. Ms. Ritu Gupta, Mr. Akshat Aggarwal & Ms. Chhavi Rani, On behalf of BYPL

ORDER

Date of Hearing: 12th March, 2024

Date of Order: 21st March, 2024

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

1. This complaint has been filed by Mr. Manohar Lal against BYPL- Yamuna Vihar. The brief facts of the case giving rise to this grievance are that Mr. Manohar Lal applied for new electricity connection vide request no. 8006668949 at premises no. V-1892 (New Number), 520/C (old no), Gali No. 6, Vijay Park, Maujpur, Delhi-110053 but respondent

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rejected the application of the complainant for new connection on the pretext of MCD Objection, mismatch of address and the address in the bill of the existing connection in this very premises.

2. OP in its reply briefly stated that the present complaint has been filed by the complainant seeking fresh electricity connection for ground floor at property bearing no. 520/C, Kh. No. 99, Gali No. 6, Vijay Park, Maujpur, Near Atta Chakki, Delhi-110053 vide application no. 8006668949. The premises of the complainant was inspected and it was found that premises structure is only ground floor and premises are already electrified through meter no. 11857214, CA no. 101315651 registered in the name of Mr. Darshan Lal with billing address V-1892, Gali No. 6, Vijay Park, Maujpur, Delhi-53, while as per complainant's application its address is Kh. No. 99, 520/C, Gali no. 6, Vijay Park, Maujpur, Near Atta Chakki, Delhi-53, thus there is mismatch of address. Reply further states that applied address is appearing in MCD objection list vide letter no. EE(B)-II/SH-N/2020/D-304 dated 13.10.2020. The subject property is mentioned at serial no. 39, in shape of GF with projection on Mpl, land (area = 35 sq yards).
3. Counsel of the complainant in its rejoinder submitted that the property where new connection is applied is one and the same as V-1892, is new number while 520/C is old one. This fact is very well mentioned in the complaint itself. Rejoinder also stated that the complainant is having two properties one under Khasra no. 94 and the other under Khasra No. 99. MCD list of unauthorized properties is of 35 sq yards which falls under Khasra no. 94. This property consist of three shop reconstructed in the year 2020. While applied property is of 150 sq yards which falls under Khasra no. 99. The complainant is lawful occupant since 44 years

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and absolute and true owner as per GPA of year 1993 and 1980. It is also stated in the rejoinder that the complainant is residing in a separate dwelling unit with his family in the applied premises in support whereof complainant has also submitted photograph of his portion of the premises.

4. Both the parties placed on record documents in support of their respective contentions.

5. Heard and perused the record.

6. As per pleadings the connection is denied by OP on three grounds:

- (i) The subject connection is under MCD objection.
- (ii) There is mismatch of address between the address shown in the complaint and on the bill of existing connection, of subject premises.
- (iii) The premise is a single unit, which has already a connection of electricity.

Regarding MCD objection OP placed on record list of booked properties provided by MCD. As per this list property in premises no. 520-C, Gali no. 6, Vijay Park, Maujpur, Delhi having area of 35 sq yards belonging to Manohar Lal is booked. This fact is admitted by the complainant but it is clarified by him that he has two properties in the same premises number. One is of 35 sq yards out of Khasra no. 94 and the other is of 150 sq yards out of khasra no. 99. It is the property in khasra no. 94 only which is booked as also shown of 35 sq yds and not the property under Khasra no. 99 on which the connection is applied for. In support of these contentions complainant has placed on record GPA in his favour through which he purchased the said property.

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Regarding mismatch of address the complainant has already mentioned both the addresses in the complainant itself specifically mentions that this is new number and this is old number of the subject premises. Rest of the address of both the numbers is same. In support of this being one and the same address complainant has placed on record his affidavit also.

Third objection of existing connection is clarified by the complainant that consumer of that connection is his brother and as both have their respective portions separately in the same premises, the complainant wants connection for his portion only. Regarding this separation complainant states that though both of them being real brothers have not partitioned the property by way of separate entries but they are living in their separate portions consisting of separate kitchens and bathrooms as well. In support of separate kitchen etc. complainant has placed on record current photographs also.

7. Perusal of all the documents placed on record by both the parties, it show that the booked property is different than the applied one. Therefore, plea of OP, stating MCD booking in applied premises is baseless and unreasonable.

So far as Plea of existing connection is concerned, no doubt it is so existing but at the same time it is also established that this premises has two dwelling units and only one dwelling unit is having a connection. Fact of two dwelling units is also verified by the observation of Hon'ble Civil Judge in an interim order passed by him in Civil Suit No. 91/23, placed on record that the complainant and consumer of existing connection are living separately in their respective portions, in the subject premises.

Plea of mismatch also no more ^{has} as first of all OP has itself visited the same property which OP claims the property by the new number. Affidavit of complainant also confirms the same.

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[Handwritten signatures]

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8. In the facts and circumstances in our considered opinion the applied premises is not booked property, there is no mismatch of address and the applied premises is a separate dwelling unit which has ^{no} electricity ~~del~~ connection. Hence, OP is not justified in rejecting the new connection applied for.
9. 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.


ORDER

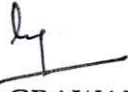
Complainant is allowed. OP is directed to release the new electricity connection applied for in complainant's portion of premises no. V-1892 (new), Gali No. 6, Vijay Park, Maujpur, Delhi-53 also known as no. 520/C, being its old number of same area after completion of all the commercial formalities as per DERC Regulations 2017.


The case is disposed off as above.

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. 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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