



C A No. Applied For
Complaint No. 127/2021

In the matter of:

Mohd. SalimComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mrs. Vinay Singh Member(Law)
2. Mrs. Monika Taneja, Member (CRM)

Appearance:

1. Mr. Neeraj Kumar, Counsel of the complainant
2. Mr. Imran Siddiqi and Ms. Shweta Chaudhary, On behalf of respondent

ORDER

Date of Hearing: 31st January, 2022
Date of Order: 03rd February, 2022

Order Pronounced By:- Mrs. Vinay Singh, Member (Law)

Briefly stated facts of the case are that the complainant applied for new electricity connection but the respondent has not released the same till date.

It is also his submission that he applied for new electricity connection vide application no. 8005138727 for a load of 1 KW but the respondent company rejected his application for new connection on the pretext of "domestic connection already exists."

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Therefore, he requested the forum to direct the respondent for immediate release of the new connection.

Notices were issued to both the parties to appear before the Forum on 15.12.2021. Due to lack of coram the hearing could not be held. Matter was heard on 17.01.2022.

The respondent in their reply stated that the complainant applied for new electricity connection vide request no. 8005138727 dated 08.09.2021 at the premises no. B-339, second floor, Jhuggi Jawahar Mohalla, Patparganj, Delhi-110091.

On site verification the application for grant of new electricity connection was rejected as being a Jhuggi case, where one meter is already installed (meter no. 70039568) at premises and applied premises is constructed G+2.

The matter was heard on 17.01.2022, when respondent was directed to file detailed reply regarding connection in cluster area and also policy of the respondent for releasing the connection in cluster area.

The matter was again heard on 24.01.2022, when respondent filed details regarding the connection applied for along with photographs. Complainant's counsel sought time for filing rejoinder.

The counsel of the complainant submitted his rejoinder stating therein that the complainant is having separate dwelling unit as well as kitchen, bedroom, toilet alongwith wash basin etc. He also submitted that the complainant is living with family after separation on the second floor since August 2019, GPA already filed. He also stated Jhuggi numbers where the respondent has released more than one electricity connection.

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The matter was finally heard on 31.01.2022, when both the parties were present. Arguments of both the parties were heard and matter was reserved for orders.

The main issue in the present complaint is whether the connection to the complainant can be granted or not.

We have gone through the submissions made by both the parties. From the narration of facts and material placed before us we find

- That the complainant applied for new electricity connection at second floor at premises no. B-339, Jhuggi Jawahar Mohalla, where already a connection is installed at the ground floor of the same premises in the name of Mr. Kayum who is father of the complainant.
- The complainant also submitted Notarized General Power of Attorney dated 31st August 2019 by Mr. Kayum in favour of Mr. Salim giving him possession of first floor and second floor with roof rights of property bearing no. B-339, situated at Block-B, Jhuggi Jawahar Mohalla, Patparganj, Delhi-110091.
- That the complainant is son of Mr. Kayum (original allottee of Jhuggi) has connection in his name at ground floor. Mr. Kayum further executed GPA in favour of Salim in August 2019. These area are clusters in which subsidy is a issue.
- The complainant also submitted Ration Card and Aadhar Card of the in his name issued at the same address.
- That the respondent was also asked to provide their policy related to release of new connections in the JJ cluster area which they failed to provide.


As per Regulation 10 (3) (ix) DERC Regulations 2017, narrated here:-

10. New and Existing Connections:-

(3) Proof of ownership or occupancy of the premises:-

(ix) For bonafide consumers residing in JJ clusters or in other areas with no

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specific municipal address, the licensee may accept either ration card or electoral identity card mandatorily having the same address as a proof of occupancy of the premises.

Electricity is essential requirement of livelihood and it is right of a person to enjoy the electricity because as it is decided by Himachal Pradesh High Court, in the matter of Madan Lal Vs State of Himachal Pradesh & Ors. Where it was stated that the right to water and electricity supply is an integral part of right to life under Article 21 of the Constitution of India.


In view of the above, we are of considered opinion that the complainant fulfills all the formalities as per DERC Guidelines 2017 for grant of new connection in JJ cluster and also above stated Hon'ble High Court's ruling the complainant is entitled for grant of new electricity connection.


Therefore,

- The respondent is directed to re-visit the premises of the complainant to confirm that the premises of complainant that it has a separate dwelling unit and new connection applied not for subsidy misuse.
- That the respondent is directed to release the new electricity connection to the complainant after fulfilling all the commercial formalities as per DERC Regulations.
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The case is disposed off as above.

No order as to the cost. Both the parties should be informed accordingly.
Proceedings closed.


(MONIKA TANEJA)
MEMBER (CRM)


(VINAY SINGH)
MEMBER (LAW)