

C A No. Applied For
Complaint No. 49/2023

In the matter of:

NasimComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. Imran Siddiqi, Ms. Shweta Chaudhary & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 31st March, 2023
Date of Order: 12th April, 2023

Order Pronounced By:- Mr. S.R. Khan, Member (Technical)

1. Present complaint has been filed by Mr. Nasim, against BYPL-KWN.
2. The brief facts of the case giving rise to this grievance are that complainant Mr. Nasim, applied for new electricity connection vide request no. 8006001328, 8006001245 and 8006001234 at premises no. A-361, Kh. No. 385, Gali no. 5, Rajiv Gandhi Nagar, Mustafabad, Delhi-94,

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By *[Signature]*

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of illegal pole shifting. Therefore, he requested the Forum to direct the respondent for release of new connection.

3. The OP in their reply briefly stated that the complainant is seeking fresh electricity connections at GF and FF of premises no. A-361, Kh. No. 385, Gali No. 5, Rajiv Gandhi Nagar, New Mustafabad, Delhi. It is further their submission that property no. A-361 & A-362 are joint properties and outside of property no. A-362, was one LTPCC pole bearing no. KWND698 and the complainant illegally shifted the said pole on the intervening night of 31.08.2022 and 01.09.2022.

Accordingly, O&M team inspected the site on 01.09.2022 and found that pole was illegally shifted for personal benefits and LT network was also intentionally tampered.

4. The counsel of the complainant argued that the LTPCC pole no. KWND698 is installed at its original position. He further added that property bearing no. 362, Gali No. 5, Rajeev Gandhi Nagar, New Mustafabad, Delhi-94 was purchased by the husband of the complainant on 17.12.2021 by virtue of GPA and also another property bearing no. A-361, Gali no. 5, Rajeev Gandhi Nagar, New Mustafabad, Delhi-94 was also purchased by the complainant in her name.

5. LR of the OP submitted that the complainant has illegally shifted the pole and they have also lodged police complaint with reference no. 5709876, 57101052, 5710185 and 5710285. However, in spite of repeated calls, police did not reach at site. Accordingly, the team of respondent after waiting for police left the premises and removed four numbers of existing meters bearing nos 70046228, 70173125, 11666076 and 11453029.

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6. Heard both the parties and perused the record. From the perusal of evidence placed on record pleadings and after hearing both the parties it

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is transpired that OP has disconnected all the four connections installed in premises no. A-361. As per the reply filed by OP, the pole is installed in front of premises no. A-362. Respondent has released new connection in premises no. A-362, GF vide CA No. 351317816 on dated 31.07.2022 and have not disconnected the supply of this connection. A question arises here that why respondent has not taken any action for the connection installed in premises no. A-362, in whose front the pole is installed and why respondent has removed all the four connections from property bearing no. A-361, in whose front no pole is installed.

7. As per ruling of different High Court and Supreme Court. Lastly, as 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 electricity is basic amenity which a person cannot be deprived off.

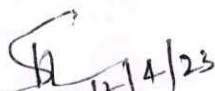
ORDER

The complaint is allowed. The Respondent is directed to release the new connection to the complainant after fulfilling all the commercial formalities as per DERC Guidelines 2017.

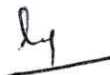
Respondent is further directed to file the compliance report within 21 days from the date of this order.


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.


(S.R. KHAN)
MEMBER-TECH


(P.K. SINGH)
CHAIRMAN


(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM

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(H.S. SOHAL)
MEMBER