

C A No. Applied For
Complaint No. 338/2023

In the matter of:

Om Prakash Tomar 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)
5. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Suraj Aggarwal, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Mr. Deepak Verma & Ms. Chavi Rani, On behalf of BYPL

ORDER

Date of Hearing: 19th October, 2023
Date of Order: 20th October, 2023

Order Pronounced By:- Mr. P.K. Singh, Chairman

1. This complaint has been filed by Sh. Om Prakash Tomar, against BYPL-NNG.
2. The brief facts of the case giving rise to this grievance are that complainant Sh. Om Prakash Tomar has applied new connection in House no. 1-B, Kh. No. 435/311, Shastri Gali, Babarpur, Delhi-32,

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vide application no. 80064550015, 8006449999, 8006449920, 8006449937, 8006449963 and 8006449937, but OP rejected his application for new connections on the pretext of pole encroachment.

3. The respondent in reply briefly stated that new electricity connection has been applied by the complainant for different floors, of property bearing no. 1-B, Kh. No. 435/311, Shastri Gali, babarpur, Delhi-32. OP further added that at the outset the applications for obtaining 6 electricity connections filed by six different applicants. However, the present complaint is only filed and signed by the complainant. Details of the connections applied by the complainant are as follows:

S.No.	Request No.	Applicant's name	Applied Floor
1	8006450015	Om Prakash Tomar	UGF
2	8006449963	Shubhi Tomar	Parking, GF
3	8006449920	Alka Tomar	FF, Right Side
4	8006449937	Deepanshu Tomar	FF, Left Side
5	8006449982	Yukta Tomar	SF, Right Side
6	8006449999	Priyanshu Tomar	SF, Left Side

OP further added that building in issue has been constructed in violation of the provision of Regulation 60 & 61 of the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2010 and Section 53 & 68(5) read with Section 161 of the Electricity Act, 2003. The applications of complainant for new connections were rejected. During inspection it is transpired that pole was entirely encroached by the building premises from all the four sides. Also, the balcony has been extended and pole has been encroached and damaged, even the street light installed by EDMC has been shifted and all safety norms have been violated.

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Secretary
CGRF (BYPL)



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4. Heard both the parties and perused the record.
5. The issue is whether the connections of the complainant vide application numbers 80064550015, 8006449999, 8006449920, 8006449937, 8006449963 and 8006449937 can be released, if there is improper pole clearance.
6. The Counsel of the complainant has argued that he has applied for new connections vide application no. 80064550015, 8006449999, 8006449920, 8006449937, 8006449963 and 8006449937 at house no. 1-B, Kh. No. 435/311, Shastri Gali, Babarpur, Delhi-32 which were rejected by OP-BYPL on the pretext of 'Pole found encroached upon by applicant'. The counsel of the complainant also filed site photographs that pole is not encroached inside the building. He further submitted that OP should visit his premise and guide him how much more balcony is to be demolished by him for release of new connections.
7. The matter was heard on 19.10.2023, when counsel of the complainant submitted that he has demolished the encroachment as per OP's requirement. Counsel of the complainant was directed to furnish an affidavit in this regard which he agreed to file. OP also stated that they are ready to release the new connections to the complainant on condition that he would maintain the distance in future also as per the law.
8. 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.

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9. We are therefore, of the view that the respondent may be directed to provide the connections with the condition that at the time of release of new connection the complainant should file an affidavit that he would not be doing any encroachment after release of the new connections and if in future he is found doing so, OP shall be at liberty to disconnect the electricity supply provided at the premise of the complainant.


ORDER

Complaint is allowed. Respondent is directed to release the connection applied by complainant after completion of all the commercial formalities and after giving the undertaking that if in future he found indulged in any pole encroachment, OP will take action against the illegal construction and would be free to disconnect the new electricity connections.

The case is disposed off as above.


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


(P.K.SINGH)
CHAIRMAN


(S.R. KHAN)
MEMBER-TECH


(P.K.AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER

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Secretary
CGRF (BYPL)