

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

Phone: 32978140 Fax: 22384886

E-mail: cgrfbypl@hotmail.com

SECY/CHN 015/08NKS

C A No. Applied For Complaint No. 106/2022

In the matter of:

Rajeev GuptaComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mrs. Vinay Singh Member(Law)
2. Mr. Nishat Ahmed Alvi, Member (CRM)

Appearance:

1. Mr. Rajeev Gupta, Counsel of the complainant
2. Mr. Imran Siddiqi, Ms. Shweta Chaudhary & Ms. Amita Sharma,
On behalf of BYPL

ORDER

Date of Hearing: 23rd August, 2022

Date of Order: 26th August, 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 respondent has not released the same till date.

The complainant's grievance is that he applied for new electricity connection vide application no. 8005337455 but respondent rejected his application for new connection on pretext of building booked by EDMC. It is also his submission that he approached EDMC for clearance and EDMC that only the property of

Complaint No. 106/2022

Bhupender Bhardwaj and Inderjeet Singh area of 75 gaj is booked from stilt till third floor. Therefore, he requested the Forum to direct the respondent company for immediate release of new connection

Notices were issued to both the parties to appear before the Forum on 07.07.2022.

Respondent submitted their reply stating therein that the complainant applied for new connection on 09.12.201 at premises bearing no. 1/7003, Plot No. 76, Shivaji Park, Shahdara, Delhi-110032 which was rejected as applied address was found in MCD objection list in name of Bhupender Bhardwaj for deviation/excess coverage against SBP No. 30/B/SH-N/11 dated 20.01.2011. As per complainant there are two buildings having same address and the other portion is booked by MCD and for the same he relies on information received through RTI.

It is also their submission that complainant filed a copy of RTI petition dated 07.03.2022 wherein it is specifically asked as to out of two buildings which building is booked by MCD. In reply thereto MCD on 04.03.2022 has confirmed the booking of the building for unauthorized construction having address 1/7003 and having area of 62.42 sq meters in the name of Bhupendra Bhardwaj and from the said reply it is not clear as to which out of two building is booked.

Respondent further submitted that site of the complainant was visited and building status was found to be Ground+3 floors with 4 meters details whereof are as under:-

Deek

[Signature]

Complaint No. 106/2022

S.No.	Meter No	D.O.I
1	35175287	28.07.2016
2	70004724	28.07.2017
3	55166296	02.12.2016
4	55166292	03.03.2011

The adjacent building consists of Ground+4 floors and has two shops on ground floor. The said building has following electricity connections:

S.No.	Meter No	D.O.I
1	55166299	23.03.2014
2	55166297	06.03.2014
3	25199907	20.01.2013
4	25200144	20.01.2013
5	25199908	20.01.2013
6	11961240	29.12.2015
7	11547958	15.05.2014

Respondent further added that as per RTI reply building booked consists of stilt floor till third floor. Thus, from site visit as well as reply from RTI it is not clear as to which building is booked by MCD.

The matter was listed for hearing on 07.07.2022, when complainant was asked to file NOC from EDMC for grant of new connection.

On hearing dated 26.07.2022, complainant submitted that he wanted to amend his complaint and sought time for filing amended complaint. The matter was again heard on 04.08.2022, when complainant submitted his amended complaint. Respondent was directed to see whether the earlier connection can be re-connected or not.

Shakti

[Signature]

Complaint No. 106/2022

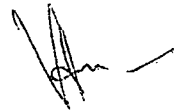
The matter was finally heard on 23.08.2022, when respondent submitted that old connection of complainant was disconnected in the year 2020 and same cannot be restored. Arguments were heard and matter was reserved for orders.

The main issue in the present complaint is whether the connection 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 premises no. 1/7003, SF, Plot No. 76, Shivaji Park, Shahdara, Delhi-110032 vide order no. 8005337455.
- That the premises in question were of 150 sq feet area which was later on divided into two equal portions.
- Respondent rejected the application of new connection on pretext of building booked by EDMC therefore; Building Completion Certificate or NOC is required.
- Respondent in their reply submitted that from site visit as well as from RTI reply it is not clear as to which building is booked by MCD.
- That the complainant submitted property chain documents from which it is evident that the premises were in possession of Smt. Bhupender Bhardwaj in the year 2011, but it is not clear which portion of the property she possesses.
- Respondent has released connections after 2011 in both the portions of the property which is clear from their reply submitted before the Forum and narrated above.





Complaint No. 106/2022

- The complainant also submitted that earlier also he was having a connection in his name which was disconnected in the year 2020 due to non-payment of dues.

As above, we are of considered opinion that if other occupants of both the premises can get electricity connections after the premises were booked in the year 2011 then complainant is also liable to get the new connection released in his name. Also, when he already had a connection in the same premises in his name. Respondent has not taken any steps to clarify from the MCD regarding the booking status of the premises.

We are of considered opinion that building is in possession of the complainant and also, 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 the matter of Durga Rani Singh Vs WBSDCL, 9 May 2016 Calcutta High Court, "A person is settled occupier of any premises is entitled to get electricity connection. The right to get electricity is considered as an extended Fundamental Right.

In the matter of Saifuddin Vs CESC limited, 27 H 29 Calcutta High Court. The Court is of opinion that electricity is the basic necessity.

Shah

Complaint No. 106/2022

Therefore, we direct

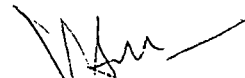
1. Respondent is directed to release the connections to the complainant after fulfilling all the commercial formalities as per DERC Guidelines 2017.
2. Respondent is also directed to file compliance report within 21 days from the date of this order.

The case is disposed off as above.

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



(NISHAT AHMED ALVI)
MEMBER (CRM)



(VINAY SINGH)
MEMBER (LAW)