

C G R F



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

Phone: 32978140 Fax: 22384886

E-mail: cgrfbypl@hotmail.com

SECY/CHN/015/08NKS

C A No. Applied For
Complaint No. 285/2023

In the matter of:

Rajwant KaurComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Ms. Sakshi, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Ms. Shweta Chaudhary & Ms. Chhavi Rani, On behalf of BYPL

ORDER

Date of Hearing: 29th August, 2023

Date of Order: 01st September, 2023

Order Pronounced By:- Mr. P.K. Agrawal, Member (Legal)

1. As per complaint, the complainant Ms. Rajwant Kaur, applied for new electricity connection vide application no. 8006356635 at premises no. A-39/1, Upper Ground Floor, Baldev Park, Delhi-110051, but respondent rejected his application for new connection on pretext of energy dues against CA.

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CGRF (BYPL)

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2. OP in its reply briefly submitted that the complainant is seeking new electricity connection at upper ground floor for property bearing no. A-39/1, Baldev Park, Delhi. The complainant applied for new connection vide request no. 8006356635 and on receipt of application and submission of requisite documents site was visited and it was found that there were outstanding dues against the subject property vide CA No. 100054988, 100919821 and 150577451 having BP no. 900082752 and 900971603. The dues were claimed on pro-rata basis at Rs. 10127/- and Rs. 7984/- respectively. The complainant failed to clear the outstanding dues.
3. Representative of the complainant in its rejoinder stated that OP is claiming outstanding dues on pro-rata basis of Rs. 10,127/- and Rs. 7984/- respectively. It is also alleged by the complainant that he applied for new connection on 07.12.2022 and OP asked him to clear the outstanding dues of Rs. 22432/- against CA No. 150357989 for release of new electricity connection, which he duly paid but OP did not release the new connection. He again applied for new connection on 13.06.2023 vide request no. 8006356635 and now again OP is asking to pay dues by way of pro-rata totaling to Rs. 18111/- .
4. LR of the OP stated that the dues are on the same premises and the complainant has to clear the pro-rata dues for release of new electricity connection in his name.
5. Heard both the parties and perused the record. From the perusal of evidence placed on record pleadings and after hearing both the parties, Forum directed OP to file details of earlier connection installed in the name of the complainant, but OP failed to submit the record.

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OP was again directed to file details of all three connections whose dues are being asked from the complainant, but OP failed to file the said details also. Forum has taken strict view of this that despite orders of the Forum OP failed to submit the required details which are essential to adjudicate the present case.

6. OP is adamant that pro-rata dues are payable by the complainant, and for release of new electricity connection complainant has to clear all the pending dues. OP also submitted that on verification it was found that Ajay and Mala are not resident of property in issue. At present there are two electricity connections at the subjected property in the name of Ms. Meenu Bhola D/o Sh. Jagannath and Mr. Satnam Pal s/o Sh. Manak Chand.

It is also submitted that the complainant had applied thrice for new connection till date, first time on 07.12.2022 vide request no. 8006056690, then on 17.01.2023 vide request no. 8006119627 and on 13.06.2023 vide request no. 8006356635.

The connection of the complainant was disconnected in the year 2018 and payment was cleared in the year 2022.

7. In view of above, we are of considered opinion that the complainant's contentions that he had earlier applied for new connection in December 2022 was correct as the application number is given by OP in their additional reply was dated 07.12.2022 vide request no. 8006056690 and the complainant paid the outstanding dues of Rs. 22432/- on the same day i.e. 07.12.2022. Thus, it is clearly evident that the complainant

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applied for new electricity connection on 07.12.2022 and OP asked him to clear the outstanding dues of his earlier connection vide CA No. 150357989 amounting to Rs. 22432/-. OP had not asked the complainant to clear the other dues (pro-rata dues) which OP is asking now from the complainant. Therefore, asking for pro-rata dues from the complainant at this stage is not justified. The complainant cannot be deprived off his right of basic amenity required for livelihood like electricity.

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.
9. We are of the view that the respondent has not taken adequate care in handling the consumer request for new connection. The delay caused to consumer cannot be justified. The respondent has violated Section-43 of Indian Electricity Act 2003. OP is ~~also~~ directed to release the new connection to the complainant without asking for payment of pro-rata dues.

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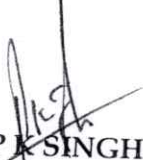
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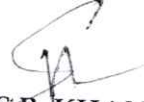
ORDER


1. Complaint is allowed. Respondent is directed to release the connection applied by complainant after completion of all the commercial formalities and without asking for pro-rata amount, which they have not justified before the Forum.
2. The OP is also directed to file compliance report to this office within 21 days from the issue of this order.

The case is disposed off as above.


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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