

**C A No. Applied for  
Complaint No. 190/2022**

**In the matter of:**

Sajjan Kumar Goel .....Complainant

**VERSUS**

BSES Yamuna Power Limited .....Respondent

**Quorum:**

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

**Appearance:**

1. Mr. Vinod Kumar, Counsel of the Complainant
2. Ms. Ritu Gupta, Mr. Imran Siddiqi, Ms. Shweta Chaudhary, Ms. Seema Rawat, Ms. Prama Kakkar & Ms. Divya Sharma, On behalf of BYPL

**ORDER**

Date of Hearing: 19<sup>th</sup> January, 2023  
Date of Order: 23<sup>rd</sup> January, 2023

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

1. This complaint has been filed by Mr. Sajjan Kumar Goel, against BYPL-LNR.
2. The brief facts of the case giving rise to this grievance are that complainant Mr. Sajjan Kumar Goel applied for new connection vide request no. 8005043335 at his premises no. C-90A, West Vinod Nagar,

*[Handwritten signatures]*

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Delhi-92. He further submitted that respondent rejected his application for new connection on the pretext of "address in MCD objection list" which is fake ground as already there are three connections released by the respondent in the same premises on 16.04.2019.

3. The respondent in reply briefly stated that the complainant applied for fresh electricity connection vide request no. 8005043335 on first floor of premises bearing no. C-90A, West Vinod Nagar, Delhi-110092. The new connection was not granted on account of MCD objection.

OP further submitted that as per said list unauthorized construction at property bearing no. C-90, West Vinod Nagar, is in the shape of ground floor and column at first floor with projection on Municipal land. The said objection is in the name of S.K. Goyal and is dated 08.02.2019.

It was also their submission that three connections released in April 2019 in the name of complainant, it is submitted that two out of them were released for third and second floor which are not in the MCD list and the connection on ground floor was released as the back end team had not received any information regarding the MCD objection list in respect of the subject property. The connection released in April 2022, is in respect of second floor of property bearing no. C-90-B.

4. Heard both the parties and perused the record. Heard the arguments of Authorized Representative of the complainant and OP-BYPL.
5. Representative of the complainant submitted that he moved RTI application to the office of MCD for getting information regarding booking status of property no. 90-A, West Vinod Nagar, Delhi-92. In this regard, MCD in its reply stated to check the status on MCD website.

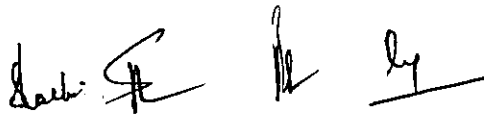
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6. On the other side, LR of OP filed MCD objection list no. EE (B)-II/Sh(s)/2019/D-708 dated 08.02.2019 mentioned at sl. no. 8 premises no. C-90, West Vinod Nagar, Delhi, booked on 01.01.2019, under construction in shape of GF and column on first floor on MPL projection land. They further stated that S.K. Goyal and Sajjan Kumar Goel are same persons.
7. Heard both the parties and perused the record. From the perusal of evidence placed on record pleadings and after hearing both the parties it is transpired that complainant asked for new connection at C-90A, but respondent raised objection that C-90 in name of S.K. Goel, is booked by MCD vide order no. EE (B)-II/Sh(s)/2019/D-708 dated 08.02.2019. Respondent has already given three connections in the same premises on GF, SF and 3F and the complainant wants new connection at first floor for which MCD objection list shows that 'u/c in the shape of GF and column at first floor, with projection on MPL Land'.

It shows that total first floor is not on Municipal land and only one column is on MPL land, which can be demolished by MCD.

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. In the present circumstances, three consumers of ground floor, second floor and third floor have been given connections, therefore, the complainant who had applied for new connection of the first floor of the same premises cannot be deprived of his right to electricity.



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9. We are of the view that the respondent may be directed to provide the connection with the condition that at the time of release of new connection the complainant should file an affidavit that if MCD takes any action against the encroached property then OP should be at liberty to disconnect the supply 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 regarding the fact that whenever MCD in future will take action against the illegal construction, OP is free to disconnect the new electricity connection.


The OP is also directed to file compliance report to this office within 21 days from the issue of this order.


**Accordingly, the case is disposed off.**

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

  
(NISHAT A. ALVI)  
MEMBER (CRM)

  
(P.K. AGRAWAL)  
MEMBER (LEGAL)

  
(S.R. KHAN)  
MEMBER (TECH.)

  
(P.R. SINGH)  
CHAIRMAN  
23/1/23