



C A No. Applied for
Complaint No. 376/2023

In the matter of:

SaminaComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

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)

Appearance:

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

ORDER

Date of Hearing: 08th February, 2024

Date of Order: 12th February, 2024

Order Pronounced By:- Mr. Nishat A Alvi, Member (CRM)

1. This complaint has been filed by Samina against BYPL-LNR. The brief facts of the case giving rise to this grievance are that Samina applied for new electricity connection vide request no. 8006534933 at premises no. J-12, FF, J Extension, part-II, Ramesh Park, Laxmi Nagar, Delhi-110092 but respondent rejected her application for new connection on pretext of dues at site of CA nos. 101057556 & 100891114, but complainant alleges that the dues are of other premises and do not belong to her.

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CGRF (BYPL)

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2. OP in its reply briefly stated that the complainant is seeking new electricity connection for the first floor of property bearing no. J-12, J-extension Part-II, Ramesh Park, Laxmi Nagar, Delhi-110092 vide request no. 8006534933. At the time of inspection it was found that the building is booked by the MCD for unauthorized construction. Booking details being the subject premises i.e. J-12(part), J-extension, Part-II at serial no. 135, of MCD objection list bearing no. EE(B)-II/Sh(s)/2018/D-1071 dated 03.07.2018 for unauthorized construction in the shape of GF, FF, SF, TF and fourth floor, finishing work is being carried out.

Reply further added that apart from MCD objection, outstanding dues also pertain to the subject premises, as duly mentioned in the deficiency letter, against CA no. 100891114, in the name of Ram Chander, amounting to Rs. 1,97,080/- and CA No. 101057556, in the name of Shakil Ahmad, amounting to Rs. 64,842/-. Therefore, for release of new electricity connection the complainant is required to provide Building Completion Certificate (BCC) from MCD and to clear pending dues.

3. Counsel of the complainant filed rejoinder refuting therein the contentions of the respondent as averred in its reply stating that his building was never booked by MCD on 25.05.2018 as her premises are different than the booked premises which is in the back-side lane of the complainant's premises. Complainant also alleges that in that very booked building in 2018, OP has released the connections in the year 2019.

4. Both the parties were directed to conduct joint site visit. The joint site visit report was submitted before the Forum on 08.02.2024. As per the joint site visit report

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- a) There are four buildings exist of the same address J-12, Gali No. 12, J-extension, Part-II, with structure Ground + 4.
 - b) Dues of CA no. 151419462 (Rs. 17550/-) can be taken as pro-rata basis.
 - c) MCD booked address and applied address are same. Mail sent to MCD on 30.11.2023 and 02.02.2024 to provide more details of MCD booking or for joint inspections.
5. According to the site visit report there are four premises of same address and only MCD can clarify which property is booked by them. As no reply from MCD is received against the mails of OP dated 30.11.2024 and 02.02.2024. We don't find any justification to deny complainant of her right of basic amenity of livelihood unless it is confirmed that out of four properties of same address it is only the property of complainant which is booked by MCD. On the other side the copies of bills placed by the complainant on record show that OP has released connections in the same premises even after alleged booking of 2018, in the year 2019. 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.
6. In the facts and circumstances aforesaid, 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 in future MCD takes any action against the his property then OP should be at liberty to disconnect the supply of the complainant.

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
ORDER


Complaint is allowed. Respondent is directed to release the connection applied by complainant after payment of the pro-rata bill amount, completion of all the commercial formalities and after giving the undertaking regarding the fact that whenever MCD in future will take action, OP is free to disconnect the new electricity connection.


OP is further 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.


(NISHAT A ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN

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