



C A No. Applied for
Complaint No. 67/2023

In the matter of:

SanjeedaComplainant

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)
5. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. Gaurav, Mr. Nishant, Ms. Shweta Chaudhary & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 21st March, 2023
Date of Order: 27th March, 2023

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

1. This complaint has been filed by Ms. Sanjeeda against BYPL-KWN.
2. The brief facts of the case giving rise to this grievance are that complainant Ms. Sanjeeda is owner of property bearing no. F-38, Shop no. 4, F block, Main 25 foota road, Chand Bagh, Shahdara, Delhi-110094.

Requested True Copy

Secretary
CGRF (BYPL)

Sanjeeda *S. R. Gupta* *N. Shant* *M. Shweta* *Chaudhary* *Ms. Divya Sharma*

1 of 4

Complaint No. 67/2023

It is also her submission that she applied for new electricity connection vide request no. 80059441146 and respondent rejected her application for new connection on pretext of premises appearing in MCD objection list. She further submitted that she deposited property tax for the year 2022-23 vide receipt no. PT-189570 dated 16.11.2022 and MCD has also issued her No Dues Certificate for the applied premise. Therefore, her complaint may be allowed.

3. OP in its reply briefly stated that the complainant applied new electricity connection for shop no. 4, property bearing no. F-38, plot no. 30, Kh. No. 24/2, Main 25 foota road, Chand Bagh, Delhi-95, vide application no. 88000857789 and same was rejected as applied address was found in MCD objection list. OP further added that complainant submitted a Building Completion Certificate (BCC) dated 11.11.2021 with file no. 100994178 issued by MCD on the basis of drawings/plans submitted by Er. Anjar Ali.

Er. Anjar Ali, appears in list of debarred professionals as circulated by MCD. OP also added that when new connections were granted in year 2021 on the basis of BCC issued on drawing of Er. Anjar Ali, respondent having no knowledge of Mr. Anjar ali being debarred and the fact came to the knowledge on 24.11.2022. But now OP is aware, as such on the basis of his certification no new connection can be granted in building which is booked by MCD.

4. Arguments of both the parties are heard.
5. Representative of the complainant submitted that respondent has already released five meters at the applied address and the latest connection released by them is on 04.01.2022 vide CA No. 153620756 under non-domestic category on the basis of same BCC

Complaint No. 67/2023

He also submitted that as per law, one BCC is sufficient for release of new connections upon one premises/buildings and after its attachment, there is no other requirement to place on record for release of new connection by other consumer in the same premises.

6. LR of the OP submitted since the building is booked by MCD therefore, new connection is not feasible and as per DERC Regulations complainant has to fulfill all the commercial formalities as required for new connection. OP further added that they cannot release the new connection to the complainant until he submits BCC from panel Architect who is not de-barred.
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 which respondent rejected on pretext of premises booked by MCD. OP has released five connections on the basis of BCC issued by MCD on drawing of Er. Anjar Ali. Respondent has only submitted screen shot of MCD portal which only shows expiry date 28.02.2022 but it is not clear that this expiry date is for what purpose. The complainant has submitted No Objection Certificate from MCD dated 16.11.2022. Respondent has not provided any list which can prove that the BCC issued by MCD is not valid for the concerned premises.
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.

Attested True Copy

Secretary
CGRF (BYPL)

[Handwritten signatures]

Complaint No. 67/2023

In the present circumstances, since OP has already released connections in the applied premises on the basis of the BCC on record.

9. We are of the view that the respondent may be directed to release the connection of the complainant with the condition that at the time of release of 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 new connection as 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


The case is disposed off as above.

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


(S.R. KHAN)
MEMBER-TECH


(P.K. SINGH)
CHAIRMAN


(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM

Attested true Copy
Secretary
CGRF (BYPL)


(H.S. SOHAL)
MEMBER