



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. 391/2023

In the matter of:

Sant RamComplainant

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

Appearance:

1. Mr. Imran Siddiqui, Counsel of the complainant
2. Ms. Ritu Gupta, Ms. Shweta Chaudhary & Ms. Chhavi Rani, on behalf of respondent

ORDER

Date of Hearing: 15th February, 2024
Date of Order: 27th February, 2024

Order Pronounced By:- Mr. S. R Khan, Member (Tech.)

1. The complaint has been filed by Mr. Sant Ram against BYPL-Laxmi Nagar. The brief facts of the case giving rise to this grievance are that Mr. Sant Ram applied for new connection vide request no. 8006537972, 8006537959 and 8006537996 at premises no. 4/136, Lalita

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CGRF (BYPL)

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Park, Laxmi Nagar, Delhi-110092, but OP rejected his application of new connection on the pretext of dues at site, whereas the complainant stated that pending dues pertains to other premises. Therefore, he requested the forum to direct the respondent for release of new connection.

2. OP in its reply briefly stated that the complainant is seeking new electricity connections on the ground floor and Third floor of property bearing no, 4/136, Lalita Park, Laxmi Nagar Delhi-110092 vide request no. 8006537972, 8006537959 and 8006537996. At the time of inspection it was found that the building structure consists of Ground-3 floor over it. An electricity connection bearing CA No. 100992178 energized in year 2008. Registered for the second floor in the name of the complainant was found existing at the site.

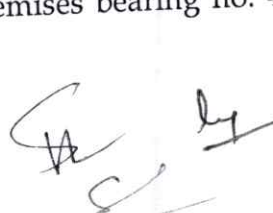

On 10.10.2023 re-visit also took place and it was found that waling^k sequence no. of disconnected as well as live connection is same. Upon verification of commercial facility, it was found that the applied premises have outstanding dues. Accordingly, the above mentioned application for new electricity connection rejected and the complainant was asked clear the deficiency within 30 days. As per the site visit report and on verification of the dues of stands confirms that outstanding dues pertains to the premises of complainant only as such the complainant liable to pay the outstanding dues as well as regular dues as he has been the beneficiary of all the connection.

3. In response to the reply the complainant filed rejoinder. The complainant has applied new three electricity connections on ground floor, first floor and third floor of premises bearing no. 4/136, Lalita Park, Laxmi Nagar Delhi-110092.

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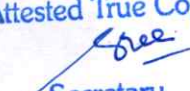
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He denied that the dues of CA No. 100946699 and CA No. 100946732 in the name Ratan Bhatia ~~does not~~ pertain to the premises of the complainant as there are several other addresses similar to the address of the complainant. OP is claiming that the walking sequence no. of pending dues and walking sequence of complainant is same (live connection), is denied by the counsel of the complainant as same is evident from the bills of all three connections as walking sequences are different. That site verification submitted is wrong and respondent had deliberately hide the fact that there are other premises having similar address as of the complainant and same fact is also confirmed from the list of pending dues attached by the respondent.

4. Heard both the parties and length and perused the record.
5. From the narration of facts and material placed before us we find that the dues claimed by OP of the disconnected connections in the name of Ratan Bhatia having CA No. 100946699 and 100946732. The GPA placed on record dated 17th September 1999 shows that the complainant is owner of approx. 62.5 sq yards out of entire area of 125 sq. yards constructed on plot no. 23, out of Kh. No. 78, situated at abadi of Lalita Park, Laxmi Nagar, in the area of village Shakarpur Khas, Illaqa Shahdara, Delhi-92 and bounded as under :-
East :- House of S. Ajit
West :- **Remaining portion of the said property.**
North:- House of Kali Charan.

The above extract from the General Power of Attorney, clearly mentions that the property no. 4/136, has two portions, one is with the complainant and other remaining portion is also in existence.

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Whereas OP in its site visit report only shows only one building of address 4/136, Lalita Park, Laxmi Nagar, Delhi. The dues asked for payment from the complainant are of the connections which were disconnected in the year 2011 and why OP has not taken any action for recovery of dues for such a long period.

6. Therefore, it is not clear whether the dues pertain to the portion of the complainant or other portion of property and how many connections OP has energized in the other portions of the property and why they have not asked the dues from the other occupants of the said property. Thus, the same dues cannot be claimed from the complainant only.
7. Therefore, we are of considered opinion that the complainant cannot be deprived off with his right to enjoy basic amenity for livelihood.
8. Water and electricity is integral part of right to life. Hon'ble Supreme court in the matter of Dilip (dead) LR Vs Satish, in the case no. SCC 810 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. In the facts and circumstances aforesaid, we are of the view that the respondent may be directed to provide the connection.

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ORDER


Respondent is directed to release the connection applied by complainant after completion of all the commercial formalities.


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.


(S.R. KHAN)
MEMBER -TECH


(P.K. SINGH)
CHAIRMAN


(P.K. AGRAWAL)
MEMBER -LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER

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